

106TH CONGRESS
2D SESSION

H. R. 5408

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2000

Mr. SPENCE introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Commerce, Education and the Workforce, Government Reform, International Relations, the Judiciary, Resources, Science, Transportation and Infrastructure, Veterans' Affairs, Ways and Means, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Floyd D. Spence National Defense Authorization Act for
4 Fiscal Year 2001”.

5 (b) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) Representative Floyd D. Spence of South
8 Carolina was elected to the House of Representatives
9 in 1970, for service in the 92d Congress, after serv-
10 ing in the South Carolina legislature for 10 years,
11 and he has been reelected to each subsequent Con-
12 gress.

13 (2) Representative Spence came to Congress as
14 a distinguished veteran of service in the Armed
15 Forces of the United States.

16 (3) Upon graduation from college in 1952, Rep-
17 resentative Spence was commissioned as an ensign
18 in the United States Naval Reserve. After entering
19 active duty, he served with distinction aboard the
20 USS CARTER HALL and the USS LSM-397 dur-
21 ing the Korean War and later served as commanding
22 officer of a Naval Reserve Surface Division and as
23 group commander of all Naval Reserve units in Co-
24 lumbia, South Carolina. Representative Spence re-
25 tired from the Naval Reserve in 1988 in the grade
26 of captain, after 41 years of dedicated service.

1 (4) Upon election to the House of Representa-
2 tives, Representative Spence became a member of
3 the Committee on Armed Services of that body. Dur-
4 ing 30 years of service on that committee (4 years
5 of which were served while the committee was known
6 as the Committee on National Security), Represent-
7 ative Spence's contributions to the national defense
8 and security of the United States have been pro-
9 found and long lasting.

10 (5) Representative Spence served as chairman
11 of that committee while known as the Committee on
12 National Security during the 104th and 105th Con-
13 gresses and serves as chairman of that committee
14 for the 106th Congress. In addition, Representative
15 Spence served as the ranking minority member of
16 the Committee on Armed Services during the 103d
17 Congress.

18 (6) Dozens of awards from active duty and re-
19 serve military, veterans service, military retiree, and
20 industry organizations and associations have recog-
21 nized the distinguished character of Representative
22 Spence's service to the Nation.

23 (7) Representative Spence has been a leading
24 figure in the debate over many of the most critical
25 military readiness, health care, recruiting, and reten-

1 tion issues currently confronting the Nation's mili-
2 tary. His concern for the men and women in uni-
3 form has been unwavering, and his accomplishments
4 in promoting and gaining support for those issues
5 that preserve the combat effectiveness, morale, and
6 quality of life of the Nation's military personnel have
7 been unparalleled.

8 (8) During his tenure as chairman of the Com-
9 mittee on National Security and the Committee on
10 Armed Services of the House of Representatives,
11 Representative Spence has—

12 (A) led efforts to identify and reverse the
13 effect that declining resources and rising com-
14 mitments have had on military quality of life
15 for service members and their families, on com-
16 bat readiness, and on equipment modernization,
17 with a direct result of those diligent efforts and
18 of his willingness to be an outspoken proponent
19 for America's military being that Congress has
20 added nearly \$50,000,000,000 to the Presi-
21 dent's defense budgets over the past 5 years;

22 (B) been a leading proponent of the need
23 to expeditiously develop and field a national
24 missile defense to protect American citizens and

1 forward deployed military forces from growing
2 ballistic missile threats;

3 (C) advocated reversing the growing dis-
4 parity between actual military capability and
5 the requirements associated with the National
6 Military Strategy; and

7 (D) led efforts in Congress to reform De-
8 partment of Defense acquisition and manage-
9 ment headquarters and infrastructure and busi-
10 ness practices.

11 (9) This Act is the 30th annual authorization
12 bill for the Department of Defense for which Rep-
13 resentative Spence has taken a major responsibility
14 as a member of the Committee on Armed Services
15 of the House of Representatives (including 4 years
16 while that committee was known as the Committee
17 on National Security).

18 (10) In light of the findings in the preceding
19 paragraphs, it is altogether fitting and proper that
20 this Act be named in honor of Representative Floyd
21 D. Spence of South Carolina, as provided in sub-
22 section (a).

1 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 2 **CONTENTS.**

3 (a) DIVISIONS.—This Act is organized into three divi-
 4 sions as follows:

5 (1) Division A—Department of Defense Au-
 6 thorizations.

7 (2) Division B—Military Construction Author-
 8 izations.

9 (3) Division C—Department of Energy Na-
 10 tional Security Authorizations and Other Authoriza-
 11 tions.

12 (b) TABLE OF CONTENTS.—The table of contents for
 13 this Act is as follows:

Sec. 1. Short title; findings.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

14 **DIVISION A—DEPARTMENT OF DEFENSE**
 15 **AUTHORIZATIONS**

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Defense Health Program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority.

Sec. 112. Increase in limitation on number of bunker defeat munitions that
 may be acquired.

Sec. 113. Reports and limitations relating to Army transformation.

Subtitle C—Navy Programs

- Sec. 121. CVNX-1 nuclear aircraft carrier program.
- Sec. 122. Arleigh Burke class destroyer program.
- Sec. 123. Virginia class submarine program.
- Sec. 124. Limitation during fiscal year 2001 on changes in submarine force structure.
- Sec. 125. ADC(X) ship program.
- Sec. 126. Refueling and complex overhaul program of the U.S.S. Dwight D. Eisenhower.
- Sec. 127. Analysis of certain shipbuilding programs.
- Sec. 128. Helicopter support of FFG-7 frigates during fiscal year 2001.
- Sec. 129. V-22 cockpit aircraft voice and flight data recorders.

Subtitle D—Air Force Programs

- Sec. 131. Annual report on B-2 bomber.
- Sec. 132. Report on modernization of Air National Guard F-16A units.

Subtitle E—Joint Programs

- Sec. 141. Study of final assembly and checkout alternatives for the Joint Strike Fighter program.

Subtitle F—Chemical Demilitarization

- Sec. 151. Pueblo Chemical Depot chemical agent and munitions destruction technologies.
- Sec. 152. Report on assessment of need for Federal economic assistance for communities impacted by chemical demilitarization activities.
- Sec. 153. Prohibition against disposal of non-stockpile chemical warfare material at Anniston chemical stockpile disposal facility.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Management of Space-Based Infrared System—Low.
- Sec. 212. Joint Strike Fighter program.
- Sec. 213. Fiscal year 2002 joint field experiment.
- Sec. 214. Nuclear aircraft carrier design and production modeling.
- Sec. 215. DD-21 class destroyer program.
- Sec. 216. Limitation on Russian American Observation Satellites program.
- Sec. 217. Joint biological defense program.
- Sec. 218. Report on biological warfare defense vaccine research and development programs.
- Sec. 219. Cost limitations applicable to F-22 aircraft program.
- Sec. 220. Unmanned advanced capability combat aircraft and ground combat vehicles.
- Sec. 221. Global Hawk high altitude endurance unmanned aerial vehicle.
- Sec. 222. Army space control technology development.

Subtitle C—Ballistic Missile Defense

- Sec. 231. Funding for fiscal year 2001.
- Sec. 232. Reports on ballistic missile threat posed by North Korea.
- Sec. 233. Plan to modify ballistic missile defense architecture.
- Sec. 234. Management of Airborne Laser program.

Subtitle D—High Energy Laser Programs

- Sec. 241. Funding.
- Sec. 242. Implementation of High Energy Laser Master Plan.
- Sec. 243. Designation of senior official for high energy laser programs.
- Sec. 244. Site for Joint Technology Office.
- Sec. 245. High energy laser infrastructure improvements.
- Sec. 246. Cooperative programs and activities.
- Sec. 247. Technology plan.
- Sec. 248. Annual report.
- Sec. 249. Definition.
- Sec. 250. Review of defense-wide directed energy programs.

Subtitle E—Other Matters

- Sec. 251. Reports on mobile offshore base concept and potential use for certain purposes of technologies associated with that concept.
- Sec. 252. Air Force science and technology planning.
- Sec. 253. Enhancement of authorities regarding education partnerships for purposes of encouraging scientific study.
- Sec. 254. Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
- Sec. 305. Joint warfighting capabilities assessment teams.

Subtitle B—Environmental Provisions

- Sec. 311. Establishment of additional environmental restoration account and use of accounts for operation and monitoring of environmental remedies.
- Sec. 312. Certain environmental restoration activities.
- Sec. 313. Annual reports under Strategic Environmental Research and Development Program.
- Sec. 314. Payment of fines and penalties for environmental compliance at Fort Wainwright, Alaska.
- Sec. 315. Payment of fines or penalties imposed for environmental compliance violations at other Department of Defense facilities.
- Sec. 316. Reimbursement for certain costs in connection with the former Nansemond Ordnance Depot Site, Suffolk, Virginia.
- Sec. 317. Necessity of military low-level flight training to protect national security and enhance military readiness.
- Sec. 318. Ship disposal project.

- Sec. 319. Defense Environmental Security Corporate Information Management Program.
- Sec. 320. Report on Plasma Energy Pyrolysis System.
- Sec. 321. Sense of Congress regarding environmental restoration of former defense manufacturing site, Santa Clarita, California.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

- Sec. 331. Use of appropriated funds to cover operating expenses of commissary stores.
- Sec. 332. Adjustment of sales prices of commissary store goods and services to cover certain expenses.
- Sec. 333. Use of surcharges for construction and improvement of commissary stores.
- Sec. 334. Inclusion of magazines and other periodicals as an authorized commissary merchandise category.
- Sec. 335. Use of most economical distribution method for distilled spirits.
- Sec. 336. Report on effects of availability of slot machines on United States military installations overseas.

Subtitle D—Department of Defense Industrial Facilities

- Sec. 341. Designation of Centers of Industrial and Technical Excellence and public-private partnerships to increase utilization of such centers.
- Sec. 342. Unutilized and underutilized plant-capacity costs of United States arsenals.
- Sec. 343. Arsenal support program initiative.
- Sec. 344. Codification and improvement of armament retooling and manufacturing support programs.

Subtitle E—Performance of Functions by Private-Sector Sources

- Sec. 351. Inclusion of additional information in reports to Congress required before conversion of commercial or industrial type functions to contractor performance.
- Sec. 352. Effects of outsourcing on overhead costs of Centers of Industrial and Technical Excellence and Army ammunition plants.
- Sec. 353. Consolidation, restructuring, or reengineering of Department of Defense organizations, functions, or activities.
- Sec. 354. Monitoring of savings resulting from workforce reductions as part of conversion of functions to performance by private sector or other strategic sourcing initiatives.
- Sec. 355. Performance of emergency response functions at chemical weapons storage installations.
- Sec. 356. Suspension of reorganization or relocation of Naval Audit Service.

Subtitle F—Defense Dependents Education

- Sec. 361. Eligibility of dependents of American Red Cross employees for enrollment in Department of Defense domestic dependent schools in Puerto Rico.
- Sec. 362. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

- Sec. 363. Impact aid for children with severe disabilities.
- Sec. 364. Assistance for maintenance, repair, and renovation of school facilities that serve dependents of members of the Armed Forces and Department of Defense civilian employees.

Subtitle G—Military Readiness Issues

- Sec. 371. Measuring cannibalization of parts, supplies, and equipment under readiness reporting system.
- Sec. 372. Reporting requirements regarding transfers from high-priority readiness appropriations.
- Sec. 373. Effects of worldwide contingency operations on readiness of military aircraft and equipment.
- Sec. 374. Identification of requirements to reduce backlog in maintenance and repair of defense facilities.
- Sec. 375. New methodology for preparing budget requests to satisfy Army readiness requirements.
- Sec. 376. Review of AH-64 aircraft program.
- Sec. 377. Report on Air Force spare and repair parts program for C-5 aircraft.

Subtitle H—Other Matters

- Sec. 381. Annual report on public sale of certain military equipment identified on United States Munitions List.
- Sec. 382. Resale of armor-piercing ammunition disposed of by the Army.
- Sec. 383. Reimbursement by civil air carriers for support provided at Johnston Atoll.
- Sec. 384. Travel by Reserves on military aircraft.
- Sec. 385. Overseas airlift service on Civil Reserve Air Fleet aircraft.
- Sec. 386. Additions to plan for ensuring visibility over all in-transit end items and secondary items.
- Sec. 387. Reauthorization of pilot program for acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.
- Sec. 388. Extension of authority to sell certain aircraft for use in wildfire suppression.
- Sec. 389. Damage to aviation facilities caused by alkali silica reactivity.
- Sec. 390. Demonstration project to increase reserve component internet access and services in rural communities.
- Sec. 391. Additional conditions on implementation of Defense Joint Accounting System.
- Sec. 392. Report on Defense Travel System.
- Sec. 393. Review of Department of Defense costs of maintaining historical properties.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent end strength minimum levels.
- Sec. 403. Adjustment to end strength flexibility authority.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.

- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2001 limitation on non-dual status technicians.
- Sec. 415. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.

Subtitle C—Other Matters Relating to Personnel Strengths

- Sec. 421. Authority for Secretary of Defense to suspend certain personnel strength limitations during war or national emergency.
- Sec. 422. Exclusion from active component end strengths of certain reserve component members on active duty in support of the combatant commands.
- Sec. 423. Exclusion of Army and Air Force medical and dental officers from limitation on strengths of reserve commissioned officers in grades below brigadier general.
- Sec. 424. Authority for temporary increases in number of reserve component personnel serving on active duty or full-time national guard duty in certain grades.

Subtitle D—Authorization of Appropriations

- Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Eligibility of Army and Air Force Reserve colonels and brigadier generals for position vacancy promotions.
- Sec. 502. Flexibility in establishing promotion zones for Coast Guard Reserve officers.
- Sec. 503. Time for release of reports of officer promotion selection boards.
- Sec. 504. Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration.
- Sec. 505. Authority to issue posthumous commissions in the case of members dying before official recommendation for appointment or promotion is approved by Secretary concerned.
- Sec. 506. Technical corrections relating to retired grade of reserve commissioned officers.
- Sec. 507. Grade of chiefs of reserve components and directors of National Guard components.
- Sec. 508. Revision to rules for entitlement to separation pay for regular and reserve officers.

Subtitle B—Reserve Component Personnel Policy

- Sec. 521. Exemption from active-duty list for reserve officers on active duty for a period of three years or less.
- Sec. 522. Termination of application requirement for consideration of officers for continuation on the reserve active-status list.
- Sec. 523. Authority to retain Air Force Reserve officers in all medical specialties until specified age.
- Sec. 524. Authority for provision of legal services to reserve component members following release from active duty.
- Sec. 525. Extension of involuntary civil service retirement date for certain reserve technicians.

Subtitle C—Education and Training

- Sec. 531. Eligibility of children of Reserves for Presidential appointment to service academies.
- Sec. 532. Selection of foreign students to receive instruction at service academies.
- Sec. 533. Revision of college tuition assistance program for members of Marine Corps Platoon Leaders Class program.
- Sec. 534. Review of allocation of Junior Reserve Officers Training Corps units among the services.
- Sec. 535. Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development.

Subtitle D—Decorations, Awards, and Commendations

- Sec. 541. Limitation on award of Bronze Star to members in receipt of imminent danger pay.
- Sec. 542. Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the Armed Forces and other qualified persons.
- Sec. 543. Waiver of time limitations for award of certain decorations to certain persons.
- Sec. 544. Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. Arizona who died in the Japanese attack on Pearl Harbor on December 7, 1941.
- Sec. 545. Sense of Congress on the court-martial conviction of Captain Charles Butler McVay, Commander of the U.S.S. Indianapolis, and on the courageous service of the crew of that vessel.
- Sec. 546. Posthumous advancement on retired list of Rear Admiral Husband E. Kimmel and Major General Walter C. Short, senior officers in command in Hawaii on December 7, 1941.
- Sec. 547. Commendation of citizens of Remy, France, for World War II actions.
- Sec. 548. Authority for Award of the Medal of Honor to William H. Pitsenbarger for valor during the Vietnam War.

Subtitle E—Military Justice and Legal Assistance Matters

- Sec. 551. Recognition by States of military testamentary instruments.
- Sec. 552. Policy concerning rights of individuals whose names have been entered into Department of Defense official criminal investigative reports.
- Sec. 553. Limitation on Secretarial authority to grant clemency for military prisoners serving sentence of confinement for life without eligibility for parole.
- Sec. 554. Authority for civilian special agents of military department criminal investigative organizations to execute warrants and make arrests.
- Sec. 555. Requirement for verbatim record in certain special court-martial cases.
- Sec. 556. Commemoration of the 50th anniversary of the Uniform Code of Military Justice.

Subtitle F—Matters Relating to Recruiting

- Sec. 561. Army recruiting pilot programs.

- Sec. 562. Enhancement of recruitment market research and advertising programs.
- Sec. 563. Access to secondary schools for military recruiting purposes.
- Sec. 564. Pilot program to enhance military recruiting by improving military awareness of school counselors and educators.

Subtitle G—Other Matters

- Sec. 571. Extension to end of calendar year of expiration date for certain force drawdown transition authorities.
- Sec. 572. Voluntary separation incentive.
- Sec. 573. Congressional review period for assignment of women to duty on submarines and for any proposed reconfiguration or design of submarines to accommodate female crew members.
- Sec. 574. Management and per diem requirements for members subject to lengthy or numerous deployments.
- Sec. 575. Pay in lieu of allowance for funeral honors duty.
- Sec. 576. Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs.
- Sec. 577. National Guard Challenge Program.
- Sec. 578. Study of use of civilian contractor pilots for operational support missions.
- Sec. 579. Reimbursement for expenses incurred by members in connection with cancellation of leave on short notice.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Increase in basic pay for fiscal year 2001.
- Sec. 602. Additional restructuring of basic pay rates for enlisted members.
- Sec. 603. Revised method for calculation of basic allowance for subsistence.
- Sec. 604. Family subsistence supplemental allowance for low-income members of the Armed Forces.
- Sec. 605. Basic allowance for housing.
- Sec. 606. Additional amount available for fiscal year 2001 increase in basic allowance for housing inside the United States.
- Sec. 607. Equitable treatment of junior enlisted members in computation of basic allowance for housing.
- Sec. 608. Eligibility of members in grade E-4 to receive basic allowance for housing while on sea duty.
- Sec. 609. Personal money allowance for senior enlisted members of the Armed Forces.
- Sec. 610. Increased uniform allowances for officers.
- Sec. 611. Cabinet-level authority to prescribe requirements and allowance for clothing of enlisted members.
- Sec. 612. Increase in monthly subsistence allowance for members of precommissioning programs.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 621. Extension of certain bonuses and special pay authorities for reserve forces.
- Sec. 622. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.

- Sec. 623. Extension of authorities relating to payment of other bonuses and special pays.
- Sec. 624. Revision of enlistment bonus authority.
- Sec. 625. Consistency of authorities for special pay for reserve medical and dental officers.
- Sec. 626. Elimination of required congressional notification before implementation of certain special pay authority.
- Sec. 627. Special pay for physician assistants of the Coast Guard.
- Sec. 628. Authorization of special pay and accession bonus for pharmacy officers.
- Sec. 629. Correction of references to Air Force veterinarians.
- Sec. 630. Career sea pay.
- Sec. 631. Increased maximum rate of special duty assignment pay.
- Sec. 632. Entitlement of members of the National Guard and other reserves not on active duty to receive special duty assignment pay.
- Sec. 633. Authorization of retention bonus for members of the Armed Forces qualified in a critical military skill.
- Sec. 634. Entitlement of active duty officers of the Public Health Service Corps to special pays and bonuses of health professional officers of the Armed Forces.

Subtitle C—Travel and Transportation Allowances

- Sec. 641. Advance payments for temporary lodging of members and dependents.
- Sec. 642. Additional transportation allowance regarding baggage and household effects.
- Sec. 643. Incentive for shipping and storing household goods in less than average weights.
- Sec. 644. Equitable dislocation allowances for junior enlisted members.
- Sec. 645. Authority to reimburse military recruiters, Senior ROTC cadre, and military entrance processing personnel for certain parking expenses.
- Sec. 646. Expansion of funded student travel for dependents.

Subtitle D—Retirement and Survivor Benefit Matters

- Sec. 651. Exception to high-36 month retired pay computation for members retired following a disciplinary reduction in grade.
- Sec. 652. Increase in maximum number of Reserve retirement points that may be credited in any year.
- Sec. 653. Retirement from active reserve service after regular retirement.
- Sec. 654. Same treatment for Federal judges as for other Federal officials regarding payment of military retired pay.
- Sec. 655. Reserve component Survivor Benefit Plan spousal consent requirement.
- Sec. 656. Sense of Congress on increasing Survivor Benefit Plan annuities for surviving spouses age 62 or older.
- Sec. 657. Revision to special compensation authority to repeal exclusion of uniformed services retirees in receipt of disability retired pay.

Subtitle E—Other Matters

- Sec. 661. Participation in Thrift Savings Plan.
- Sec. 662. Determinations of income eligibility for special supplemental food program.

- Sec. 663. Billeting services for reserve members traveling for inactive-duty training.
- Sec. 664. Settlement of claims for payments for unused accrued leave and for retired pay.
- Sec. 665. Additional benefits and protections for personnel incurring injury, illness, or disease in the performance of funeral honors duty.
- Sec. 666. Authority for extension of deadline for filing claims associated with capture and internment of certain persons by North Vietnam.
- Sec. 667. Back pay for members of the Navy and Marine Corps selected for promotion while interned as prisoners of war during World War II.
- Sec. 668. Sense of Congress concerning funding for reserve components.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

- Sec. 701. Provision of domiciliary and custodial care for CHAMPUS beneficiaries and certain former CHAMPUS beneficiaries.
- Sec. 702. Chiropractic health care for members on active duty.
- Sec. 703. School-required physical examinations for certain minor dependents.
- Sec. 704. Two-year extension of dental and medical benefits for surviving dependents of certain deceased members.
- Sec. 705. Two-year extension of authority for use of contract physicians at military entrance processing stations and elsewhere outside medical treatment facilities.
- Sec. 706. Medical and dental care for Medal of Honor recipients.

Subtitle B—Senior Health Care

- Sec. 711. Implementation of TRICARE senior pharmacy program.
- Sec. 712. Conditions for eligibility for CHAMPUS and TRICARE upon the attainment of age 65; expansion and modification of medicare subvention project.
- Sec. 713. Accrual funding for health care for medicare-eligible retirees and dependents.

Subtitle C—TRICARE Program

- Sec. 721. Improvement of access to health care under the TRICARE program.
- Sec. 722. Additional beneficiaries under TRICARE Prime Remote program in the continental United States.
- Sec. 723. Modernization of TRICARE business practices and increase of use of military treatment facilities.
- Sec. 724. Extension of TRICARE managed care support contracts.
- Sec. 725. Report on protections against health care providers seeking direct reimbursement from members of the uniformed services.
- Sec. 726. Voluntary termination of enrollment in TRICARE retiree dental program.
- Sec. 727. Claims processing improvements.
- Sec. 728. Prior authorizations for certain referrals and nonavailability-of-health-care statements.

Subtitle D—Demonstration Projects

- Sec. 731. Demonstration project for expanded access to mental health counselors.

- Sec. 732. Teleradiology demonstration project.
- Sec. 733. Health care management demonstration program.

Subtitle E—Joint Initiatives With Department of Veterans Affairs

- Sec. 741. VA-DOD sharing agreements for health services.
- Sec. 742. Processes for patient safety in military and veterans health care systems.
- Sec. 743. Cooperation in developing pharmaceutical identification technology.

Subtitle F—Other Matters

- Sec. 751. Management of anthrax vaccine immunization program.
- Sec. 752. Elimination of copayments for immediate family.
- Sec. 753. Medical informatics.
- Sec. 754. Patient care reporting and management system.
- Sec. 755. Augmentation of Army Medical Department by detailing Reserve officers of the Public Health Service.
- Sec. 756. Privacy of Department of Defense medical records.
- Sec. 757. Authority to establish special locality-based reimbursement rates; reports.
- Sec. 758. Reimbursement for certain travel expenses.
- Sec. 759. Reduction of cap on payments.
- Sec. 760. Training in health care management and administration.
- Sec. 761. Studies on feasibility of sharing biomedical research facility.
- Sec. 762. Study on comparability of coverage for physical, speech, and occupational therapies.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 801. Department of Defense acquisition pilot programs.
- Sec. 802. Multiyear services contracts.
- Sec. 803. Clarification and extension of authority to carry out certain prototype projects.
- Sec. 804. Clarification of authority of Comptroller General to review records of participants in certain prototype projects.
- Sec. 805. Extension of time period of limitation on procurement of ball bearings and roller bearings.
- Sec. 806. Reporting requirements relating to multiyear contracts.
- Sec. 807. Eligibility of small business concerns owned and controlled by women for assistance under the mentor-protege program.
- Sec. 808. Qualifications required for employment and assignment in contracting positions.
- Sec. 809. Revision of authority for solutions-based contracting pilot program.
- Sec. 810. Procurement notice of contracting opportunities through electronic means.

Subtitle B—Information Technology

- Sec. 811. Acquisition and management of information technology.
- Sec. 812. Tracking and management of information technology purchases.

- Sec. 813. Appropriate use of requirements regarding experience and education of contractor personnel in the procurement of information technology services.
- Sec. 814. Navy-Marine Corps Intranet.
- Sec. 815. Sense of Congress regarding information technology systems for Guard and Reserve components.

Subtitle C—Other Acquisition-Related Matters

- Sec. 821. Improvements in procurements of services.
- Sec. 822. Financial analysis of use of dual rates for quantifying overhead costs at Army ammunition plants.
- Sec. 823. Repeal of prohibition on use of Department of Defense funds for procurement of nuclear-capable shipyard crane from a foreign source.
- Sec. 824. Extension of waiver period for live-fire survivability testing for MH-47E and MH-60K helicopter modification programs.
- Sec. 825. Compliance with existing law regarding purchases of equipment and products.
- Sec. 826. Requirement to disregard certain agreements in awarding contracts for the purchase of firearms or ammunition.

Subtitle D—Studies and Reports

- Sec. 831. Study on impact of foreign sourcing of systems on long-term military readiness and related industrial infrastructure.
- Sec. 832. Study of policies and procedures for transfer of commercial activities.
- Sec. 833. Study and report on practice of contract bundling in military construction contracts.
- Sec. 834. Requirement to conduct study on contract bundling.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers

- Sec. 901. Overall supervision of Department of Defense activities for combating terrorism.
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- Sec. 3157. Prohibition on individuals engaging in concurrent service or duties within National Nuclear Security Administration and outside that Administration but within Department of Energy.
- Sec. 3158. Annual plan for obligation of funds of the National Nuclear Security Administration.
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- Sec. 3401. Minimum price of petroleum sold from certain naval petroleum reserves.
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- Sec. 3621. Definitions for program administration.
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- Sec. 3645. Election of remedy for beryllium employees and atomic weapons employees.
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- Sec. 3650. Forfeiture of benefits by convicted felons.
- Sec. 3651. Coordination with other Federal radiation compensation laws.

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- Sec. 3661. Agreements with States.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

2 For purposes of this Act, the term “congressional de-
3 fense committees” means—

4 (1) the Committee on Armed Services and the
5 Committee on Appropriations of the Senate; and

6 (2) the Committee on Armed Services and the
7 Committee on Appropriations of the House of Rep-
8 resentatives.

9 **TITLE I—PROCUREMENT**

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- Sec. 106. Defense Health Program.

Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority.
- Sec. 112. Increase in limitation on number of bunker defeat munitions that
may be acquired.
- Sec. 113. Reports and limitations relating to Army transformation.

Subtitle C—Navy Programs

- Sec. 121. CVNX-1 nuclear aircraft carrier program.
- Sec. 122. Arleigh Burke class destroyer program.
- Sec. 123. Virginia class submarine program.
- Sec. 124. Limitation during fiscal year 2001 on changes in submarine force
structure.
- Sec. 125. ADC(X) ship program.
- Sec. 126. Refueling and complex overhaul program of the U.S.S. Dwight D.
Eisenhower.
- Sec. 127. Analysis of certain shipbuilding programs.
- Sec. 128. Helicopter support of FFG-7 frigates during fiscal year 2001.
- Sec. 129. V-22 cockpit aircraft voice and flight data recorders.

Subtitle D—Air Force Programs

- Sec. 131. Annual report on B-2 bomber.
- Sec. 132. Report on modernization of Air National Guard F-16A units.

Subtitle E—Joint Programs

Sec. 141. Study of final assembly and checkout alternatives for the Joint Strike Fighter program.

Subtitle F—Chemical Demilitarization

Sec. 151. Pueblo Chemical Depot chemical agent and munitions destruction technologies.

Sec. 152. Report on assessment of need for Federal economic assistance for communities impacted by chemical demilitarization activities.

Sec. 153. Prohibition against disposal of non-stockpile chemical warfare material at Anniston chemical stockpile disposal facility.

1 **Subtitle A—Authorization of**
 2 **Appropriations**

3 **SEC. 101. ARMY.**

4 Funds are hereby authorized to be appropriated for
 5 fiscal year 2001 for procurement for the Army as follows:

6 (1) For aircraft, \$1,550,012,000.

7 (2) For missiles, \$1,320,681,000.

8 (3) For weapons and tracked combat vehicles,
 9 \$2,436,324,000.

10 (4) For ammunition, \$1,179,916,000.

11 (5) For other procurement, \$4,235,719,000.

12 (6) For chemical agents and munitions destruc-
 13 tion, \$980,100,000, for—

14 (A) the destruction of lethal chemical
 15 agents and munitions in accordance with sec-
 16 tion 1412 of the Department of Defense Au-
 17 thorization Act, 1986 (50 U.S.C. 1521); and

18 (B) the destruction of chemical warfare
 19 materiel of the United States that is not cov-
 20 ered by section 1412 of such Act.

1 **SEC. 102. NAVY AND MARINE CORPS.**

2 (a) NAVY.—Funds are hereby authorized to be appro-
3 priated for fiscal year 2001 for procurement for the Navy
4 as follows:

5 (1) For aircraft, \$8,394,338,000.

6 (2) For weapons, including missiles and tor-
7 pedoes, \$1,443,600,000.

8 (3) For shipbuilding and conversion,
9 \$12,826,919,000.

10 (4) For other procurement, \$3,380,680,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to
12 be appropriated for fiscal year 2001 for procurement for
13 the Marine Corps in the amount of \$1,212,768,000.

14 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
15 are hereby authorized to be appropriated for fiscal year
16 2001 for procurement of ammunition for the Navy and
17 the Marine Corps in the amount of \$487,749,000.

18 **SEC. 103. AIR FORCE.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2001 for procurement for the Air Force as fol-
21 lows:

22 (1) For aircraft, \$9,923,868,000.

23 (2) For missiles, \$2,863,778,000.

24 (3) For ammunition, \$646,808,000.

25 (4) For other procurement, \$7,711,647,000.

1 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

2 (a) AMOUNT AUTHORIZED.—Funds are hereby au-
3 thorized to be appropriated for fiscal year 2001 for De-
4 fense-wide procurement in the amount of \$2,278,408,000.

5 (b) AMOUNT FOR NATIONAL MISSILE DEFENSE.—Of
6 the funds authorized to be appropriated in subsection (a),
7 \$74,530,000 shall be available for the National Missile
8 Defense program.

9 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2001 for procurement for the Inspector General
12 of the Department of Defense in the amount of
13 \$3,300,000.

14 **SEC. 106. DEFENSE HEALTH PROGRAMS.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2001 for the Department of Defense for pro-
17 curement for carrying out health care programs, projects,
18 and activities of the Department of Defense in the total
19 amount of \$290,006,000.

20 **Subtitle B—Army Programs**

21 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY.**

22 (a) M2A3 BRADLEY FIGHTING VEHICLE.—(1) Be-
23 ginning with the fiscal year 2001 program year, the Sec-
24 retary of the Army may, in accordance with section 2306b
25 of title 10, United States Code, enter into one or more

1 multiyear contracts for procurement of M2A3 Bradley
2 fighting vehicles.

3 (2) The Secretary of the Army may execute a con-
4 tract authorized by paragraph (1) only after—

5 (A) there is a successful completion of a M2A3
6 Bradley initial operational test and evaluation
7 (IOT&E); and

8 (B) the Secretary certifies in writing to the con-
9 gressional defense committees that the vehicle met
10 all required test parameters.

11 (b) UTILITY HELICOPTERS.—Beginning with the fis-
12 cal year 2002 program year, the Secretary of the Army
13 may, in accordance with section 2306b of title 10, United
14 States Code, enter into one or more multiyear contracts
15 for procurement of UH–60 Blackhawk utility helicopters
16 and, acting as executive agent for the Department of the
17 Navy, CH–60 Knighthawk utility helicopters.

18 **SEC. 112. INCREASE IN LIMITATION ON NUMBER OF BUNK-**
19 **ER DEFEAT MUNITIONS THAT MAY BE AC-**
20 **QUIRED.**

21 Section 116(2) of the National Defense Authorization
22 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
23 2682) is amended by striking “6,000” and inserting
24 “8,500”.

1 **SEC. 113. REPORTS AND LIMITATIONS RELATING TO ARMY**
2 **TRANSFORMATION.**

3 (a) SECRETARY OF THE ARMY REPORT ON OBJEC-
4 TIVE FORCE DEVELOPMENT PROCESS.—The Secretary of
5 the Army shall submit to the congressional defense com-
6 mittees a report on the process for developing the objective
7 force in the transformation of the Army. The report shall
8 include the following:

9 (1) The operational environments envisioned for
10 the objective force.

11 (2) The threat assumptions on which research
12 and development efforts for transformation of the
13 Army into the objective force are based.

14 (3) The potential operational and organizational
15 concepts for the objective force.

16 (4) The operational requirements anticipated
17 for the operational requirements document of the ob-
18 jective force.

19 (5) The anticipated schedule of Army trans-
20 formation activities through fiscal year 2012, to-
21 gether with—

22 (A) the projected funding requirements
23 through that fiscal year for research and devel-
24 opment activities and procurement activities re-
25 lated to transition to the objective force; and

1 (B) a summary of the anticipated invest-
2 ments of the Defense Advanced Research
3 Projects Agency in programs designed to lead
4 to the fielding of future combat systems for the
5 objective force.

6 (6) A proposed plan for the comparison referred
7 to in subsection (c).

8 If any of the information required by paragraphs (1)
9 through (5) is not available at the time the report is sub-
10 mitted, the Secretary shall include in the report the antici-
11 pated schedule for the availability of that information.

12 (b) SECRETARY OF DEFENSE REPORT ON OBJEC-
13 TIVE FORCE DEVELOPMENT PROCESS.—Not later than
14 March 1, 2001, the Secretary of Defense shall submit to
15 the congressional defense committees a report on the proc-
16 ess for developing the objective force in the transformation
17 of the Army. The report shall include the following:

18 (1) The joint warfighting requirements that will
19 be supported by the fielding of the objective force,
20 together with a description of the adjustments that
21 are planned to be made in the war plans of the com-
22 manders of the unified combatant commands in rela-
23 tion to the fielding of the objective force.

1 (2) The changes in lift requirements that may
2 result from the establishment and fielding of the
3 combat brigades of the objective force.

4 (3) The evaluation process that will be used to
5 support decisionmaking on the course of the Army
6 transformation, including a description of the oper-
7 ational evaluations and experimentation that will be
8 used to validate the operational requirements for the
9 operational requirements document of the objective
10 force.

11 If any of the information required by paragraphs (1)
12 through (3) is not available at the time the report is sub-
13 mitted, the Secretary shall include in the report the antici-
14 pated schedule for the availability of that information.

15 (c) COSTS AND EFFECTIVENESS OF MEDIUM AR-
16 MORED COMBAT VEHICLES FOR THE INTERIM BRIGADE
17 COMBAT TEAMS.—(1) The Secretary of the Army shall
18 develop a plan for comparing—

19 (A) the costs and operational effectiveness of
20 the infantry carrier variant of the interim armored
21 vehicles selected for the infantry battalions of the in-
22 terim brigade combat teams; and

23 (B) the costs and operational effectiveness of
24 the troop-carrying medium armored vehicles cur-

1 rently in the Army inventory for the use of infantry
2 battalions.

3 (2) The Secretary of the Army may not carry out
4 the comparison described in paragraph (1) until the Direc-
5 tor of Operational Test and Evaluation of the Department
6 of Defense approves the plan for that comparison devel-
7 oped under that paragraph.

8 (d) LIMITATION PENDING RECEIPT OF SECRETARY
9 OF THE ARMY REPORT.—Not more than 80 percent of
10 the amount appropriated for fiscal year 2001 for the pro-
11 curement of armored vehicles in the family of new medium
12 armored vehicles may be obligated until—

13 (1) the Secretary of the Army submits to the
14 congressional defense committees the report required
15 under subsection (a); and

16 (2) a period of 30 days has elapsed from the
17 date of the submittal of such report.

18 (e) LIMITATION PENDING COMPARISON AND CER-
19 TIFICATION.—No funds appropriated or otherwise made
20 available to the Department of the Army for any fiscal
21 year may be obligated for acquisition of medium armored
22 combat vehicles to equip a third interim brigade combat
23 team until—

24 (1) the plan for a comparison of costs and oper-
25 ational effectiveness developed under subsection

1 (c)(1), as approved under subsection (c)(2), is car-
2 ried out;

3 (2) the Secretary of Defense submits to the
4 congressional defense committees, after the comple-
5 tion of the comparison referred to in paragraph (1),
6 a certification that—

7 (A) the Secretary approves of the obliga-
8 tion of funds for that purpose; and

9 (B) the force structure resulting from the
10 acquisition and subsequent operational capa-
11 bility of interim brigade combat teams will not
12 diminish the combat power of the Army; and

13 (3) a period of 30 days has elapsed from the
14 date of the certification under paragraph (2).

15 (f) DEFINITIONS.—In this section:

16 (1) The term “transformation”, with respect to
17 the Army, means the actions being undertaken to
18 transform the Army, as it is constituted in terms of
19 organization, equipment, and doctrine in 2000, into
20 the objective force.

21 (2) The term “objective force” means the Army
22 that has the organizational structure, the most ad-
23 vanced equipment that early twenty-first century
24 science and technology can provide, and the appro-
25 priate doctrine to ensure that the Army is respon-

1 sive, deployable, agile, versatile, lethal, survivable,
2 and sustainable for the full spectrum of the oper-
3 ations anticipated to be required of the Army during
4 the early years of the twenty-first century following
5 2010.

6 (3) The term “interim brigade combat team”
7 means an Army brigade that is designated by the
8 Secretary of the Army as a brigade combat team
9 and is reorganized and equipped with currently
10 available equipment in a configuration that effec-
11 tuates an evolutionary advancement toward trans-
12 formation of the Army to the objective force.

13 **Subtitle C—Navy Programs**

14 **SEC. 121. CVNX-1 NUCLEAR AIRCRAFT CARRIER PROGRAM.**

15 (a) AUTHORIZATION OF SHIP.—The Secretary of the
16 Navy is authorized to procure the aircraft carrier to be
17 designated CVNX-1.

18 (b) ADVANCE PROCUREMENT AND CONSTRUCTION.—
19 The Secretary may enter into one or more contracts for
20 the advance procurement and advance construction of
21 components for the ship authorized under subsection (a).

22 (c) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—
23 Of the amounts authorized to be appropriated under sec-
24 tion 102(a)(3) for fiscal year 2001, \$21,869,000 is avail-
25 able for the advance procurement and advance construc-

tion of components (including nuclear components) for the CVNX-1 aircraft carrier program.

SEC. 122. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) **ECONOMICAL MULTIYEAR PROCUREMENT OF PREVIOUSLY AUTHORIZED VESSELS AND ONE ADDITIONAL VESSEL.**—(1) Subsection (b) of section 122 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2446), as amended by section 122(a) of Public Law 106-65 (113 Stat. 534), is further amended by striking “a total of 18 Arleigh Burke class destroyers” in the first sentence and all that follows through the period at the end of that sentence and inserting “Arleigh Burke class destroyers in accordance with this subsection and subsection (a)(4) at procurement rates not in excess of three ships in each of the fiscal years beginning after September 30, 1998, and before October 1, 2005. The authority under the preceding sentence is subject to the availability of appropriations for such destroyers.”.

(2) The heading for such subsection is amended by striking “18”.

(b) **ECONOMICAL RATE OF PROCUREMENT.**—It is the sense of Congress that, for the procurement of the Arleigh Burke class destroyers to be procured after fiscal year 2001 under multiyear contracts authorized under section

1 122(b) of Public Law 104–201, as amended by subsection

2 (a)—

3 (1) the Secretary of the Navy should—

4 (A) achieve the most economical rate of
5 procurement; and

6 (B) enter into such contracts for advance
7 procurement as may be necessary to achieve
8 that rate of procurement;

9 (2) the most economical rate of procurement
10 would be achieved by procuring three of those ves-
11 sels in each of fiscal years 2002 and 2003 and pro-
12 curing another vessel in fiscal year 2004; and

13 (3) the Secretary has the authority under sec-
14 tion 122(b) of Public Law 104–201 (110 Stat.
15 2446) and subsections (b) and (c) of section 122 of
16 Public Law 106–65 (113 Stat. 534) to provide for
17 procurement at the most economical rate, as de-
18 scribed in paragraph (2).

19 (c) UPDATE OF 1993 REPORT ON DDG–51 CLASS
20 SHIPS.—(1) The Secretary of the Navy shall submit to
21 the Committees on Armed Services of the Senate and the
22 House of Representatives, not later than November 1,
23 2000, a report that updates the information provided in
24 the report of the Secretary of the Navy entitled the
25 “Arleigh Burke (DDG–51) Class Industrial Base Study

1 of 1993”. The Secretary shall transmit a copy of the up-
2 dated report to the Comptroller General not later than the
3 date on which the Secretary submits the report to the
4 committees.

5 (2) The Comptroller General shall review the updated
6 report submitted under paragraph (1) and, not later than
7 December 1, 2000, submit to the Committees on Armed
8 Services of the Senate and House of Representatives the
9 Comptroller General’s comments on the updated report.

10 **SEC. 123. VIRGINIA CLASS SUBMARINE PROGRAM.**

11 (a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—
12 Of the amounts authorized to be appropriated by section
13 102(a)(3) for fiscal year 2001, \$1,706,234,000 is available
14 for the Virginia class submarine program.

15 (b) CONTRACT AUTHORITY.—(1) The Secretary of
16 the Navy is authorized to enter into a contract for the
17 procurement of up to five Virginia class submarines, in-
18 cluding the procurement of material in economic order
19 quantities when cost savings are achievable, during fiscal
20 years 2003 through 2006. The submarines authorized
21 under the preceding sentence are in addition to the sub-
22 marines authorized under section 121(b) of the National
23 Defense Authorization Act for Fiscal Year 1998 (Public
24 Law 105–85; 111 Stat. 1648).

1 (2) A contract entered into under paragraph (1) shall
2 provide that any obligation of the United States to make
3 a payment under the contract is subject to the availability
4 of appropriations for that purpose.

5 (c) SHIPBUILDER TEAMING.—Paragraphs (2)(A),
6 (3), and (4) of section 121(b) of Public Law 105–85 apply
7 to the procurement of submarines under this section.

8 (d) LIMITATION OF LIABILITY.—If a contract en-
9 tered into under this section is terminated, the United
10 States shall not be liable for termination costs in excess
11 of the total of the amounts appropriated for the Virginia
12 class submarine program that remain available for the
13 program.

14 (e) REPORT REQUIREMENT.—At that same time that
15 the President submits the budget for fiscal year 2002 to
16 Congress under section 1105(a) of title 31, United States
17 Code, the Secretary of Defense shall submit to the con-
18 gressional defense committees a report on the Navy’s fleet
19 of fast attack submarines. The report shall include the fol-
20 lowing:

21 (1) A plan for maintaining at least 55 fast at-
22 tack submarines in commissioned service through
23 2015, including, by 2015, 18 Virginia class sub-
24 marines.

1 (2) Two assessments of the potential savings
 2 that would be achieved under the Virginia class sub-
 3 marine program if the production rate for that pro-
 4 gram were at least two submarines each fiscal year,
 5 as follows:

6 (A) An assessment if that were the produc-
 7 tion rate beginning in fiscal year 2004.

8 (B) An assessment if that were the produc-
 9 tion rate beginning in fiscal year 2006.

10 (3) An analysis of the advantages and disadvan-
 11 tages of various contracting strategies for the Vir-
 12 ginia class submarine program, including one or
 13 more multiyear procurement strategies and one or
 14 more strategies for block buy with economic order
 15 quantity.

16 **SEC. 124. LIMITATION DURING FISCAL YEAR 2001 ON**
 17 **CHANGES IN SUBMARINE FORCE STRUC-**
 18 **TURE.**

19 (a) LIMITATION ON RETIREMENT OF SUB-
 20 MARINES.—During fiscal year 2001, the Secretary of the
 21 Navy may not retire from the active force structure of the
 22 Navy any Los Angeles class nuclear-powered attack sub-
 23 marine or any Ohio class nuclear-powered ballistic missile
 24 submarine unless the Secretary of the Navy certifies to

1 Congress in writing that he cannot assure the continued
2 safe and militarily effective operation of that submarine.

3 (b) REPORT.—Not later than April 15, 2001, the
4 President shall submit to Congress a report on the re-
5 quired force structure for nuclear-powered submarines, in-
6 cluding attack submarines (SSNs), ballistic missile sub-
7 marines (SSBNs), and cruise missile submarines
8 (SSGNs), to support the national military strategy
9 through 2020. The report shall include a detailed discus-
10 sion of the acquisition strategy and fleet maintenance re-
11 quirements to achieve and maintain that force structure
12 through—

13 (1) the procurement of new construction sub-
14 marines;

15 (2) the refueling of Los Angeles class attack
16 submarines (SSNs) to achieve the maximum amount
17 of operational useful service; and

18 (3) the conversion of Ohio class submarines
19 that are no longer required for the strategic deter-
20 rence mission from their current ballistic missile
21 (SSBN) configuration to a cruise-missile (SSGN)
22 configuration.

23 **SEC. 125. ADC(X) SHIP PROGRAM.**

24 The Secretary of the Navy may procure the construc-
25 tion of all ADC(X) class ships in one shipyard if the Sec-

1 retary determines that it is more cost effective to do so
2 than to procure the construction of such ships from more
3 than one shipyard.

4 **SEC. 126. REFUELING AND COMPLEX OVERHAUL PROGRAM**
5 **OF THE U.S.S. DWIGHT D. EISENHOWER.**

6 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—
7 Of the amount authorized to be appropriated by section
8 102(a)(3) for fiscal year 2001, \$698,441,000 is available
9 for the commencement of the nuclear refueling and com-
10 plex overhaul of the U.S.S. Dwight D. Eisenhower (CVN-
11 69) during fiscal year 2001. The amount made available
12 in the preceding sentence is the first increment in the in-
13 cremental funding planned for the nuclear refueling and
14 complex overhaul of that vessel.

15 (b) CONTRACT AUTHORITY.—The Secretary of the
16 Navy is authorized to enter into a contract during fiscal
17 year 2001 for the nuclear refueling and complex overhaul
18 of the U.S.S. Dwight D. Eisenhower.

19 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
20 MENTS.—A contract entered into under subsection (b)
21 shall provide that any obligation of the United States to
22 make a payment under the contract for a fiscal year after
23 fiscal year 2001 is subject to the availability of appropria-
24 tions for that purpose for that later fiscal year.

1 **SEC. 127. ANALYSIS OF CERTAIN SHIPBUILDING PRO-**
2 **GRAMS.**

3 (a) **ALTERNATIVE FUNDING ANALYSIS.**—The Sec-
4 retary of the Navy shall conduct an analysis on the poten-
5 tial benefits and risks associated with alternative funding
6 mechanisms for the procurement of various classes of
7 naval vessels and other naval capabilities beginning in fis-
8 cal year 2002.

9 (b) **ALTERNATIVE FUNDING MECHANISMS.**—For
10 purposes of this section, the term “alternative funding
11 mechanism” means any of the following:

12 (1) The use of multiyear procurement.

13 (2) The use of advance procurement for block
14 buys of materials in economic order quantities.

15 (3) The use of advance procurement and ad-
16 vance construction required in the number of years
17 appropriate to minimize the cost of ship construc-
18 tion.

19 (4) The use of advance procurement and ad-
20 vance construction apportioned roughly evenly across
21 some number of fiscal years.

22 (5) The use of resources from the National De-
23 fense Sealift Fund to budget for auxiliary ships and
24 strategic lift ships.

25 (6) The use of the resources from the National
26 Defense Sealift Fund to provide advance payments

1 for national defense features to establish an active
2 Ready Reserve Force.

3 (c) REPORT.—The Secretary shall submit to the con-
4 gressional defense committees a report providing the re-
5 sults of the analysis under subsection (a). The report shall
6 be submitted concurrently with the submission of the
7 President’s budget for fiscal year 2002, but in no event
8 later than February 5, 2001. The report shall include the
9 following:

10 (1) A detailed description of the funding mecha-
11 nisms considered.

12 (2) The potential savings or costs associated
13 with each such funding mechanism.

14 (3) The year-to-year effect of each such funding
15 mechanism on production stability of other ship-
16 building programs funded within the Shipbuilding
17 and Conversion, Navy, account, given the current ac-
18 quisition plan of the Navy through fiscal year 2010.

19 (4) The variables and constants used in the
20 analysis which should include economic, industrial
21 base, and budget realities.

22 (5) A description and discussion of any statu-
23 tory or regulatory restrictions that would preclude
24 the use of any of the funding mechanisms consid-
25 ered.

1 **SEC. 128. HELICOPTER SUPPORT OF FFG-7 FRIGATES DUR-**
 2 **ING FISCAL YEAR 2001.**

3 During fiscal year 2001, the Secretary of the Navy
 4 shall operate one squadron of six SH-2G helicopters to
 5 provide organic helicopter assets for operational support
 6 of missions that are to be carried out by FFG-7 Flight
 7 I and Flight II frigates during that fiscal year.

8 **SEC. 129. V-22 COCKPIT AIRCRAFT VOICE AND FLIGHT**
 9 **DATA RECORDERS.**

10 The Secretary of Defense shall require that all V-
 11 22 Osprey aircraft be equipped with a state-of-the-art
 12 cockpit voice recorder and a state-of-the-art flight data re-
 13 corder each of which meets, at a minimum, the standards
 14 for such devices recommended by the National Transpor-
 15 tation Safety Board.

16 **Subtitle D—Air Force Programs**

17 **SEC. 131. ANNUAL REPORT ON B-2 BOMBER.**

18 (a) IN GENERAL.—(1) Chapter 136 of title 10,
 19 United States Code, is amended by adding at the end the
 20 following new section:

21 **“§ 2282. B-2 bomber: annual report**

22 “Not later than March 1 of each year, the Secretary
 23 of Defense shall submit to the Committee on Armed Serv-
 24 ices of the Senate and the Committee on Armed Services
 25 of the House of Representatives a report on the B-2

1 bomber aircraft. Each such report shall include the fol-
2 lowing:

3 “(1) Identification of the average full-mission
4 capable rate of B-2 aircraft for the preceding fiscal
5 year and the Secretary’s overall assessment of the
6 implications of that full-mission capable rate on mis-
7 sion accomplishment for the B-2 aircraft, together
8 with the Secretary’s determination as to whether
9 that rate is adequate for the accomplishment of each
10 of the missions assigned to the B-2 aircraft as of
11 the date of the assessment.

12 “(2) An assessment of the technical capabilities
13 of the B-2 aircraft and whether these capabilities
14 are adequate to accomplish each of the missions as-
15 signed to that aircraft as of the date of the assess-
16 ment.

17 “(3) Identification of all ongoing and planned
18 development of technologies to enhance the capabili-
19 ties of that aircraft.

20 “(4) Identification and assessment of additional
21 technologies that would make that aircraft more ca-
22 pable or survivable against known and evolving
23 threats.

24 “(5) A fiscally phased program for each tech-
25 nology identified in paragraphs (3) and (4) for the

1 budget year and the future-years defense program,
 2 based on the following three funding situations:

3 “(A) The President’s current budget.

4 “(B) The President’s current budget and
 5 the current Department of Defense unfunded
 6 priority list.

7 “(C) The maximum executable funding for
 8 the B–2 aircraft given the requirement to main-
 9 tain enough operationally ready aircraft to ac-
 10 complish missions assigned to the B-2 air-
 11 craft.”.

12 (2) The table of sections at the beginning of such
 13 chapter is amended by adding at the end the following
 14 new item:

“2282. B–2 bomber: annual report.”.

15 (b) REPEAL OF SUPERSEDED REPORTING REQUIRE-
 16 MENT.—Section 112 of the National Defense Authoriza-
 17 tion Act for Fiscal Years 1990 and 1991 (Public Law
 18 101–189) is repealed.

19 **SEC. 132. REPORT ON MODERNIZATION OF AIR NATIONAL**
 20 **GUARD F–16A UNITS.**

21 The Secretary of the Air Force shall, not later than
 22 February 1, 2001, submit to Congress a plan to modernize
 23 and upgrade the combat capabilities of those Air National
 24 Guard units that, as of the date of the enactment of this

1 Act, are assigned F-16A aircraft so that those units can
 2 be deployed as part of Air Expeditionary Forces.

3 **Subtitle E—Joint Programs**

4 **SEC. 141. STUDY OF FINAL ASSEMBLY AND CHECKOUT AL-** 5 **TERNATIVES FOR THE JOINT STRIKE FIGHT-** 6 **ER PROGRAM.**

7 (a) REPORT REQUIRED.—Not later than 180 days
 8 after the date of the award of a contract for engineering
 9 and manufacturing development for the Joint Strike
 10 Fighter aircraft program, the Secretary of Defense shall
 11 submit to Congress a report providing the results of a
 12 study of final assembly and checkout alternatives for that
 13 aircraft.

14 (b) MATTERS TO BE INCLUDED.—The report under
 15 subsection (a) shall include the following:

16 (1) Examination of alternative final assembly
 17 and checkout strategies for the program, including—

18 (A) final assembly and checkout of all air-
 19 craft under the program at one location;

20 (B) final assembly and checkout at dual lo-
 21 cations; and

22 (C) final assembly and checkout at mul-
 23 tiple locations.

1 (2) Identification of each Government and in-
2 dustry facility that is a potential location for such
3 final assembly and checkout.

4 (3) Identification of the anticipated costs of
5 final assembly and checkout at each facility identi-
6 fied pursuant to paragraph (2), based upon a rea-
7 sonable profile for the annual procurement of that
8 aircraft once it enters production.

9 (4) A comparison of the anticipated costs of
10 carrying out such final assembly and checkout at
11 each such location.

12 (c) COST COMPARISON.—In identifying costs under
13 subsection (b)(3) and carrying out the cost comparisons
14 required by subsection (b)(4), the Secretary shall include
15 consideration of each of the following factors:

- 16 (1) State tax credits.
17 (2) State and local incentives.
18 (3) Skilled resident workforce.
19 (4) Supplier and technical support bases.
20 (5) Available stealth production facilities.
21 (6) Environmental standards.

Subtitle F—Chemical Demilitarization

SEC. 151. PUEBLO CHEMICAL DEPOT CHEMICAL AGENT AND MUNITIONS DESTRUCTION TECH- NOLOGIES.

(a) LIMITATION.—In determining the technologies to be used for the destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, whether under the assessment required by section 141(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 537; 50 U.S.C. 1521 note), the Assembled Chemical Weapons Assessment, or any other assessment, the Secretary of Defense may consider only the following technologies:

(1) Incineration.

(2) Any technologies demonstrated under the Assembled Chemical Weapons Assessment on or before May 1, 2000.

(b) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED.—As used in subsection (a), the term “Assembled Chemical Weapons Assessment” means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

1 **SEC. 152. REPORT ON ASSESSMENT OF NEED FOR FEDERAL**
2 **ECONOMIC ASSISTANCE FOR COMMUNITIES**
3 **IMPACTED BY CHEMICAL DEMILITARIZATION**
4 **ACTIVITIES.**

5 (a) REPORT REQUIRED.—Not later than April 1,
6 2001, the Secretary of Defense shall submit to the Com-
7 mittees on Armed Services of the Senate and of the House
8 of Representatives a report on the impact of the Depart-
9 ment of Defense chemical agents and munitions destruc-
10 tion program on the communities in the vicinity of the
11 chemical weapons stockpile storage sites and associated
12 chemical agent demilitarization activities at the following
13 facilities:

- 14 (1) Anniston Chemical Activity, Alabama.
- 15 (2) Blue Grass Chemical Activity, Kentucky.
- 16 (3) Deseret Chemical Depot, Utah.
- 17 (4) Edgewood Chemical Activity, Maryland.
- 18 (5) Newport Chemical Activity, Indiana.
- 19 (6) Pine Bluff Chemical Activity, Arkansas.
- 20 (7) Pueblo Chemical Activity, Colorado.
- 21 (8) Umatilla Chemical Depot, Oregon.

22 (b) RECOMMENDATION.—The Secretary shall include
23 in the report a recommendation regarding whether Fed-
24 eral economic assistance for any or all of those commu-
25 nities to assist in meeting the impact of that program is
26 needed and appropriate. If the Secretary's recommenda-

tion is that such economic assistance is needed and appropriate for any or all of such communities, the Secretary shall include in the report criteria for determining the amount of such economic assistance.

(c) MATTERS TO BE CONSIDERED IN ASSESSING IMPACT.—In assessing the impact of the program referred to in subsection (a) for purposes of preparing the report required by that subsection and the recommendation required by subsection (b), the Secretary shall consider the following:

(1) The impact that any change in population as a result of chemical agent demilitarization activities would have on the community.

(2) The possible temporary nature of such a change in population and the long-range financial impact of such a change in population on the permanent residents of the community.

(3) The initial capitalization required for the services, facilities, or infrastructure to support any increase in population.

(4) The operating costs for sustaining or upgrading the services, facilities, or infrastructure to support any increase in population.

(5) The costs incurred by local government entities for improvements to emergency evacuation

1 routes required by the chemical demilitarization ac-
 2 tivities.

3 (6) Such other factors as the Secretary con-
 4 siders appropriate.

5 **SEC. 153. PROHIBITION AGAINST DISPOSAL OF NON-STOCK-**
 6 **PILE CHEMICAL WARFARE MATERIAL AT AN-**
 7 **NISTON CHEMICAL STOCKPILE DISPOSAL FA-**
 8 **CILITY.**

9 No funds authorized to be made available under this
 10 or any other Act may be used to facilitate the disposal
 11 using the chemical stockpile disposal facility at Anniston,
 12 Alabama, of any non-stockpile chemical warfare material
 13 that is not stored (as of the date of the enactment of this
 14 Act) at the Anniston Army Depot.

15 **TITLE II—RESEARCH, DEVELOP-**
 16 **MENT, TEST, AND EVALUA-**
 17 **TION**

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for basic and applied research.

**Subtitle B—Program Requirements, Restrictions, and
 Limitations**

Sec. 211. Management of Space-Based Infrared System—Low.

Sec. 212. Joint Strike Fighter program.

Sec. 213. Fiscal year 2002 joint field experiment.

Sec. 214. Nuclear aircraft carrier design and production modeling.

Sec. 215. DD-21 class destroyer program.

Sec. 216. Limitation on Russian American Observation Satellites program.

Sec. 217. Joint biological defense program.

Sec. 218. Report on biological warfare defense vaccine research and develop-
 ment programs.

Sec. 219. Cost limitations applicable to F-22 aircraft program.

Sec. 231. Funding for fiscal year 2001.

Sec. 232. Reports on ballistic missile threat posed by North Korea.

Sec. 233. Plan to modify ballistic missile defense architecture.

Sec. 234. Management of Airborne Laser program.

Sec. 241. Funding.

Sec. 242. Implementation of High Energy Laser Master Plan.

Sec. 243. Designation of senior official for high energy laser programs.

Sec. 244. Site for Joint Technology Office.

Sec. 245. High energy laser infrastructure improvements.

Sec. 246. Cooperative programs and activities.

Sec. 247. Technology plan.

Sec. 248. Annual report.

Sec. 249. Definition.

Sec. 250. Review of Defense-wide directed energy programs.

Sec. 251. Reports on mobile offshore base concept and potential use for certain purposes of technologies associated with that concept.

Sec. 252. Air Force science and technology planning.

Sec. 253. Enhancement of authorities regarding education partnerships for purposes of encouraging scientific study.

Sec. 254. Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War.

3 SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

7 (1) For the Army, \$5,568,482,000.
8 (2) For the Navy, \$8,715,335,000.
9 (3) For the Air Force, \$13,779,144,000.

1 (4) For Defense-wide activities,
 2 \$10,873,712,000, of which \$192,060,000 is author-
 3 ized for the Director of Operational Test and Eval-
 4 uation.

5 **SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.**

6 (a) FISCAL YEAR 2001.—Of the amounts authorized
 7 to be appropriated by section 201, \$4,557,188,000 shall
 8 be available for basic research and applied research
 9 projects.

10 (b) BASIC RESEARCH AND APPLIED RESEARCH DE-
 11 FINED.—For purposes of this section, the term “basic re-
 12 search and applied research” means work funded in pro-
 13 gram elements for defense research and development
 14 under Department of Defense category 6.1 or 6.2.

15 **Subtitle B—Program Require-**
 16 **ments, Restrictions, and Limita-**
 17 **tions**

18 **SEC. 211. MANAGEMENT OF SPACE-BASED INFRARED SYS-**
 19 **TEM—LOW.**

20 Not later than October 1, 2001, the Secretary of De-
 21 fense shall direct that the Director of the Ballistic Missile
 22 Defense Organization shall have authority for program
 23 management for the ballistic missile defense program
 24 known on the date of the enactment of this Act as the
 25 Space-Based Infrared System—Low.

1 **SEC. 212. JOINT STRIKE FIGHTER PROGRAM.**

2 (a) REPORT.—Not later than December 15, 2000,
3 the Secretary of Defense shall submit to the congressional
4 defense committees a report on the Joint Strike Fighter
5 aircraft program describing the criteria for exit of the pro-
6 gram from the demonstration and validation phase, and
7 entry of the program into the engineering and manufac-
8 turing development phase, of the acquisition process.

9 (b) CERTIFICATION.—The Joint Strike Fighter pro-
10 gram may not be approved for entry into the engineering
11 and manufacturing development phase of the acquisition
12 process until the Secretary of Defense certifies to the con-
13 gressional defense committees that—

14 (1) the exit criteria established in the report
15 submitted under subsection (a) have been accom-
16 plished;

17 (2) the technological maturity of key tech-
18 nologies for the program is sufficient to warrant
19 entry of the program into the engineering and man-
20 ufacturing development phase; and

21 (3) the short take-off, vertical-landing aircraft
22 variant selected for engineering and manufacturing
23 development has successfully flown at least 20
24 hours.

25 (c) TRANSFERS WITHIN THE JOINT STRIKE FIGHT-
26 ER NAVY AND AIR FORCE ACCOUNTS.—(1) The Secretary

1 of Defense may, subject to established congressional noti-
2 fication and reprogramming procedures, transfer within
3 the Joint Strike Fighter program the following amounts:

4 (A) Of the funds authorized to be appropriated
5 for PE 64800N, up to \$100,000,000 to PE
6 63800N.

7 (B) Of the funds authorized to be appropriated
8 for PE 64800F, up to \$100,000,000 to PE 63800F.

9 (2) The transfer authority authorized in paragraph
10 (1) is in addition to the transfer authority provided in sec-
11 tion 1001.

12 **SEC. 213. FISCAL YEAR 2002 JOINT FIELD EXPERIMENT.**

13 (a) REQUIREMENTS.—The Secretary of Defense shall
14 carry out a joint field experiment in fiscal year 2002. The
15 Secretary shall ensure that the planning for the joint field
16 experiment is carried out in fiscal year 2001.

17 (b) PURPOSE.—The purpose of the joint field experi-
18 ment is to explore critical war fighting challenges at the
19 operational level of war that will confront United States
20 joint military forces after 2010.

21 (c) PARTICIPATING FORCES.—(1) The joint field ex-
22 periment shall involve elements of the Army, Navy, Marine
23 Corps, and Air Force, and shall include special operations
24 forces.

1 (2) The forces designated to participate in the joint
2 field experiment shall exemplify the concepts for organiza-
3 tion, equipment, and doctrine that are conceived for the
4 forces after 2010 under Joint Vision 2010 and Joint Vi-
5 sion 2020 (issued by the Joint Chiefs of Staff) and the
6 current vision statements of the Chief of Staff of the
7 Army, the Chief of Naval Operations, the Commandant
8 of the Marine Corps, and the Chief of Staff of the Air
9 Force, including the following concepts:

10 (A) Army medium weight brigades.

11 (B) Navy Forward-From-The-Sea.

12 (C) Air Force expeditionary aerospace forces.

13 (d) REPORT.—Not later than March 1, 2001, the
14 Secretary shall submit to the congressional defense com-
15 mittees a report on the concept plan for the joint field
16 experiment required under subsection (a). The report shall
17 include the following:

18 (1) The objectives of the experiment.

19 (2) The forces participating in the experiment.

20 (3) The schedule and location of the experi-
21 ment.

22 (4) For each joint command, defense agency,
23 and service component participating in the experi-
24 ment, an identification of—

1 (A) the funding required for the experi-
2 ment by that command, agency, or component;
3 and

4 (B) any shortfall in the budget request for
5 the Department of Defense for fiscal year 2002
6 for that funding for that command, agency, or
7 component.

8 **SEC. 214. NUCLEAR AIRCRAFT CARRIER DESIGN AND PRO-**
9 **DUCTION MODELING.**

10 (a) ASSESSMENT REQUIRED.—The Secretary of the
11 Navy shall conduct an assessment of the cost-effectiveness
12 of—

13 (1) converting design data for the Nimitz-class
14 aircraft carrier from non-electronic to electronic
15 form; and

16 (2) developing an electronic, three-dimensional
17 design product model for the CVNX class aircraft
18 carrier.

19 (b) CONDUCT OF THE ASSESSMENT.—The Secretary
20 of the Navy shall carry out the assessment in a manner
21 that ensures the participation of the nuclear aircraft car-
22 rier shipbuilding industry.

23 (c) REPORT.—The Secretary of the Navy shall sub-
24 mit a report to the congressional defense committees on
25 the assessment. The report shall include the results of the

1 assessment and plans and funding requirements for devel-
2 oping the model specified in subsection (a)(2). The report
3 shall be submitted with the submission of the budget re-
4 quest for the Department of Defense for fiscal year 2002.

5 (d) FUNDING.—Of the amount authorized to be ap-
6 propriated under section 201(2) for research, develop-
7 ment, test, and evaluation for the Navy, \$8,000,000 shall
8 be available to initiate the conversion and development of
9 nuclear aircraft carrier design data into an electronic,
10 three-dimensional product model.

11 **SEC. 215. DD-21 CLASS DESTROYER PROGRAM.**

12 (a) AUTHORITY.—The Secretary of the Navy is au-
13 thorized to pursue a technology insertion approach for the
14 construction of the DD-21 destroyer that is based on the
15 assumption of the following schedule:

16 (1) Award of a contract for advance procure-
17 ment for construction of components for the DD-21
18 destroyer during fiscal year 2004.

19 (2) Delivery of the completed ship during fiscal
20 year 2009.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) there are compelling reasons for starting
24 the program for constructing the DD-21 destroyer
25 during fiscal year 2004 with available procurement

1 funds and continuing with sequential construction of
2 DD-21 class destroyers during the ensuing fiscal
3 years until 32 DD-21 class destroyers have been
4 constructed; and

5 (2) the Secretary of the Navy, in providing for
6 the acquisition of DD-21 class destroyers, should
7 consider that—

8 (A) the Marine Corps needs the surface
9 fire-support capabilities of the DD-21 class de-
10 stroyers as soon as possible in order to mitigate
11 the inadequacies of the surface fire-support ca-
12 pabilities that are currently available;

13 (B) the Navy and Marine Corps need to
14 resolve whether there is a requirement for sur-
15 face fire-support missile weapon systems to be
16 easily sustainable by means of replenishment
17 while under way;

18 (C) the technology insertion approach has
19 been successful for other ship construction pro-
20 grams and is being pursued for the CVNX air-
21 craft carrier program and the Virginia class
22 submarine program;

23 (D) the establishment of a stable configu-
24 ration for the first 10 DD-21 class destroyers
25 should enable the construction of those ships

1 with the greatest capabilities at the lowest cost;
2 and

3 (E) action to acquire DD-21 class destroy-
4 ers should be taken as soon as possible in order
5 to realize fully the cost savings that can be de-
6 rived from the construction and operation of
7 DD-21 class destroyers, including—

8 (i) savings in construction costs that
9 would result from achievement of the
10 Navy's target per-ship cost of
11 \$750,000,000 by the fifth ship constructed
12 in each construction yard;

13 (ii) savings that would result from the
14 estimated reduction of the crews of de-
15 stroyers by 200 or more personnel for each
16 ship; and

17 (iii) savings that would result from a
18 reduction in the operating costs for de-
19 stroyers by an estimated 70 percent.

20 (c) NAVY PLAN FOR USE OF TECHNOLOGY INSERTION
21 TION APPROACH FOR CONSTRUCTION OF THE DD-21
22 SHIP.—The Secretary of the Navy shall submit to the
23 Committees on Armed Services of the Senate and the
24 House of Representatives, not later than April 18, 2001,
25 a plan for pursuing a technology insertion approach for

1 the construction of the DD–21 destroyer as authorized
2 under subsection (a). The plan shall include estimates of
3 the resources necessary to carry out the plan.

4 (d) REPORT ON ACQUISITION AND MAINTENANCE
5 PLAN FOR DD–21 CLASS SHIPS.—The Secretary of De-
6 fense shall submit to the Committees on Armed Services
7 of the Senate and the House of Representatives, not later
8 than April 18, 2001, a report on the Navy’s plan for the
9 acquisition and maintenance of DD–21 class destroyers.
10 The report shall include a discussion of each of the fol-
11 lowing matters:

12 (1) The technical feasibility of contracting for,
13 and commencing construction of, the first destroyer
14 in that class during fiscal year 2004 and achieving
15 delivery of the completed ship during fiscal year
16 2009.

17 (2) An analysis of alternative contracting strat-
18 egies for the construction of the first 10 destroyers
19 in that class, including one or more multiyear pro-
20 curement strategies and one or more strategies for
21 block buy in economic order quantity.

22 (3) A comparison of the effects on the destroyer
23 industrial base and on costs to other Navy ship-
24 building programs of the following two options:

1 (A) Commencing construction of the first
2 destroyer in that class during fiscal year 2004,
3 with delivery of the completed ship during fiscal
4 year 2009, and delaying commencement of con-
5 struction of the next destroyer in that class
6 until fiscal year 2006.

7 (B) Commencing construction of the first
8 destroyer in that class during fiscal year 2005
9 (rather than fiscal year 2004), with advance
10 procurement during fiscal year 2004 and deliv-
11 ery of the completed ship during fiscal year
12 2010, and delaying commencement of construc-
13 tion of the next destroyer in that class until fis-
14 cal year 2007 (rather than fiscal year 2006).

15 (4) The effects on the fleet maintenance strate-
16 gies of Navy fleet commanders, on commercial main-
17 tenance facilities in fleet concentration areas, and on
18 the administration of funds in compliance with sec-
19 tion 2466 of title 10, United States Code, of award-
20 ing to a contractor for the construction of a de-
21 stroyer in that class all maintenance workloads for
22 destroyers in that class that are below depot-level
23 maintenance and above ship-level maintenance.

1 **SEC. 216. LIMITATION ON RUSSIAN AMERICAN OBSERVA-**
2 **TION SATELLITES PROGRAM.**

3 None of the funds authorized to be appropriated
4 under section 201(4) for the Russian American Observa-
5 tion Satellites program may be obligated or expended until
6 30 days after the Secretary of Defense submits to Con-
7 gress a report explaining how the Secretary plans to pro-
8 tect United States advanced military technology that may
9 be associated with the Russian American Observation Sat-
10 ellites program.

11 **SEC. 217. JOINT BIOLOGICAL DEFENSE PROGRAM.**

12 (a) **LIMITATION.**—Subject to subsection (c), funds
13 authorized to be appropriated by this Act may not be obli-
14 gated for the procurement of a vaccine for the biological
15 agent anthrax until the Secretary of Defense has sub-
16 mitted to the congressional defense committees each of the
17 following:

18 (1) A written notification that the Food and
19 Drug Administration has approved the current man-
20 ufacturer for production of the vaccine.

21 (2) A report on the contingencies associated
22 with continuing to rely on the current manufacturer
23 to supply the vaccine.

24 (b) **CONTENT OF REPORT.**—The report required
25 under subsection (a)(2) shall include each of the following:

1 (1) Recommended strategies to mitigate the
2 risk to the Department of Defense of losing the cur-
3 rent manufacturer as a source of anthrax vaccine,
4 together with a discussion of the criteria to be ap-
5 plied in determining whether to carry out any of the
6 strategies and which strategy to carry out.

7 (2) Recommended strategies to ensure that the
8 Department of Defense can procure, from one or
9 more sources other than the current manufacturer,
10 an anthrax vaccine approved by the Food and Drug
11 Administration that meets the requirements of the
12 Department if—

13 (A) the Food and Drug Administration
14 does not approve the release of the anthrax vac-
15 cine available from the current manufacturer;
16 or

17 (B) the current manufacturer terminates
18 the production of anthrax vaccine permanently.

19 (3) A five-year budget to support each strategy
20 recommended under paragraph (1) or (2).

21 (c) PERMISSIBLE OBLIGATIONS.—(1) This section
22 does not limit the obligation of funds for any of the fol-
23 lowing purposes:

24 (A) The support of any action that is necessary
25 for the current manufacturer to comply with stand-

1 ards of the Food and Drug Administration (includ-
2 ing those purposes necessary to obtain or maintain
3 a biological license application) applicable to anthrax
4 vaccine.

5 (B) Establishing an additional source (other
6 than or in conjunction with the current manufac-
7 turer) for the production of anthrax vaccine.

8 (C) Any action that the Secretary determines
9 necessary to ensure production of anthrax vaccine
10 for meeting an urgent and immediate national de-
11 fense requirement.

12 (2) Not later than seven days after the total amount
13 of the funds obligated (or obligated and expended) for pur-
14 poses specified in paragraph (1) exceeds \$5,000,000, the
15 Secretary shall submit to Congress a notification that the
16 total obligations exceed that amount, together with a writ-
17 ten justification for the obligation of funds in excess of
18 that amount.

19 (d) CURRENT MANUFACTURER.—In this section, the
20 term “current manufacturer” means the manufacturing
21 source from which the Department of Defense is procuring
22 anthrax vaccine as of the date of the enactment of this
23 Act.

1 **SEC. 218. REPORT ON BIOLOGICAL WARFARE DEFENSE**
2 **VACCINE RESEARCH AND DEVELOPMENT**
3 **PROGRAMS.**

4 (a) REPORT REQUIRED.—Not later than February 1,
5 2001, the Secretary of Defense shall submit to the con-
6 gressional defense committees a report on the acquisition
7 of biological warfare defense vaccines for the Department
8 of Defense.

9 (b) CONTENTS.—The report shall include the fol-
10 lowing:

11 (1) The Secretary's evaluation of the implica-
12 tions of reliance on the commercial sector to meet
13 the requirements of the Department of Defense for
14 biological warfare defense vaccines.

15 (2) A design for a government-owned, con-
16 tractor-operated facility for the production of bio-
17 logical warfare defense vaccines that meets the re-
18 quirements of the Department for such vaccines, and
19 the assumptions on which that design is based.

20 (3) A preliminary cost estimate of, and schedule
21 for, establishing and bringing into operation such a
22 facility, and the estimated annual cost of operating
23 such a facility thereafter.

24 (4) A determination, developed in consultation
25 with the Surgeon General, of the utility of such a fa-
26 cility to support the production of vaccines for the

1 civilian sector, and a discussion of the effects that
2 the use of such a facility for that purpose might
3 have on—

4 (A) the production of vaccines for the
5 Armed Forces; and

6 (B) the annual cost of operating such a fa-
7 cility.

8 (5) An analysis of the effects that international
9 requirements for vaccines, and the production of
10 vaccines in response to those requirements, might
11 have on—

12 (A) the production of vaccines for the
13 Armed Forces; and

14 (B) the annual cost of operating such a fa-
15 cility.

16 (c) BIOLOGICAL WARFARE DEFENSE VACCINE DE-
17 FINED.—In this section, the term “biological warfare de-
18 fense vaccine” means a vaccine useful for the immuniza-
19 tion of military personnel to protect against biological
20 agents on the Validated Threat List issued by the Joint
21 Chiefs of Staff, whether such vaccine is in production or
22 is being developed.

1 **SEC. 219. COST LIMITATIONS APPLICABLE TO F-22 AIR-**
2 **CRAFT PROGRAM.**

3 (a) FLEXIBILITY IN ENGINEERING AND MANUFAC-
4 TURING DEVELOPMENT COST CAP.—Section 217(c) of the
5 National Defense Authorization Act for Fiscal Year 1998
6 (Public Law 105–85; 111 Stat. 1660) is amended by add-
7 ing at the end the following new paragraph:

8 “(3) With respect to the limitation in sub-
9 section (a), an increase by an amount that does not
10 exceed 1½ percent of the total amount of that limi-
11 tation (taking into account the increases and de-
12 creases, if any, under paragraphs (1) and (2)) if the
13 Director of Operational Test and Evaluation, after
14 consulting with the Under Secretary of Defense for
15 Acquisition, Technology, and Logistics, determines
16 that the increase is necessary in order to ensure ade-
17 quate testing.”.

18 (b) REESTABLISHMENT OF SEPARATE ENGINEERING
19 AND MANUFACTURING DEVELOPMENT COST CAP AND
20 PRODUCTION COST CAP.—The provisions of subsections
21 (a) and (b) of section 217 of the National Defense Author-
22 ization Act for Fiscal Year 1998 (Public Law 105–85; 111
23 Stat. 1660) shall continue to apply with respect to
24 amounts obligated and expended for engineering and man-
25 ufacturing development, and for production, respectively,
26 for the F-22 aircraft program without regard to any pro-

1 vision of law establishing a single limitation on amounts
2 obligated and expended for engineering and manufac-
3 turing development and for production for that program.

4 **SEC. 220. UNMANNED ADVANCED CAPABILITY COMBAT AIR-**
5 **CRAFT AND GROUND COMBAT VEHICLES.**

6 (a) GOAL.—It shall be a goal of the Armed Forces
7 to achieve the fielding of unmanned, remotely controlled
8 technology such that—

9 (1) by 2010, one-third of the aircraft in the
10 operational deep strike force aircraft fleet are un-
11 manned; and

12 (2) by 2015, one-third of the operational
13 ground combat vehicles are unmanned.

14 (b) REPORT ON UNMANNED ADVANCED CAPABILITY
15 COMBAT AIRCRAFT AND GROUND COMBAT VEHICLES.—

16 (1) Not later than January 31, 2001, the Secretary of De-
17 fense shall submit to the congressional defense committees
18 a report on the programs to demonstrate unmanned ad-
19 vanced capability combat aircraft and ground combat vehi-
20 cles undertaken jointly between the Director of the De-
21 fense Advanced Research Projects Agency and any of the
22 following:

23 (A) The Secretary of the Army.

24 (B) The Secretary of the Navy.

25 (C) The Secretary of the Air Force.

1 (2) The report shall include, for each program re-
2 ferred to in paragraph (1), the following:

3 (A) A schedule for the demonstration to be car-
4 ried out under that program.

5 (B) An identification of the funding required
6 for fiscal year 2002 and for the future-years defense
7 program to carry out that program and for the dem-
8 onstration to be carried out under that program.

9 (C) In the case of the program relating to the
10 Army, the plan for modification of the existing
11 memorandum of agreement with the Defense Ad-
12 vanced Research Projects Agency for demonstration
13 and development of the Future Combat System to
14 reflect an increase in unmanned, remotely controlled
15 enabling technologies.

16 (3) The report shall also include, for each Secretary
17 referred to in paragraphs (1)(A), (1)(B), and (1)(C), a
18 description and assessment of the acquisition strategy for
19 unmanned advanced capability combat aircraft and
20 ground combat vehicles planned by that Secretary, which
21 shall include a detailed estimate of all research and devel-
22 opment, procurement, operation, support, ownership, and
23 other costs required to carry out such strategy through
24 the year 2030, and—

1 (A) in the case of the acquisition strategy relat-
2 ing to the Army, the transition from the planned ac-
3 quisition strategy for the Future Combat System to
4 an acquisition strategy capable of meeting the goal
5 specified in subsection (a)(2);

6 (B) in the case of the acquisition strategy relat-
7 ing to the Navy—

8 (i) the plan to implement a program that
9 examines the ongoing Air Force unmanned
10 combat air vehicle program and identifies an
11 approach to develop a Navy unmanned combat
12 air vehicle program that has the goal of devel-
13 oping an aircraft that is suitable for aircraft
14 carrier use and has maximum commonality with
15 the aircraft under the Air Force program; and

16 (ii) an analysis of alternatives between the
17 operational deep strike force aircraft fleet and
18 that fleet together with an additional 10 to 20
19 unmanned advanced capability combat aircraft
20 that are suitable for aircraft carrier use and ca-
21 pable of penetrating fully operational enemy air
22 defense systems; and

23 (C) in the case of the acquisition strategy relat-
24 ing to the Air Force—

1 (i) the schedule for evaluation of dem-
2 onstration results for the ongoing unmanned
3 combat air vehicle program and the earliest
4 possible transition of that program into engi-
5 neering and manufacturing development and
6 procurement; and

7 (ii) an analysis of alternatives between the
8 currently planned deep strike force aircraft fleet
9 and the operational deep strike force aircraft
10 fleet that could be acquired by fiscal year 2010
11 to meet the goal specified in subsection (a)(1).

12 (c) FUNDS.—Of the amount authorized to be appro-
13 priated for Defense-wide activities under section 201(4)
14 for the Defense Advanced Research Projects Agency,
15 \$100,000,000 shall be available only to carry out the pro-
16 grams referred to in subsection (b)(1).

17 (d) DEFINITIONS.—For purposes of this section:

18 (1) An aircraft or ground combat vehicle has
19 “unmanned advanced capability” if it is an autono-
20 mous, semi-autonomous, or remotely controlled sys-
21 tem that can be deployed, re-tasked, recovered, and
22 re-deployed.

23 (2) The term “currently planned deep strike
24 force aircraft fleet” means the early entry, deep
25 strike aircraft fleet (composed of F-117 stealth air-

1 craft and B-2 stealth aircraft) that is currently
2 planned for fiscal year 2010.

3 (3) The term “operational deep strike force air-
4 craft fleet” means the currently planned deep strike
5 force aircraft fleet, together with at least 30 un-
6 manned advanced capability combat aircraft that are
7 capable of penetrating fully operational enemy air
8 defense systems.

9 (4) The term “operational ground combat vehi-
10 cles” means ground combat vehicles acquired
11 through the Future Combat System acquisition pro-
12 gram of the Army to equip the future objective
13 force, as outlined in the vision statement of the
14 Chief of Staff of the Army.

15 **SEC. 221. GLOBAL HAWK HIGH ALTITUDE ENDURANCE UN-**
16 **MANNED AERIAL VEHICLE.**

17 (a) CONCEPT DEMONSTRATION REQUIRED.—The
18 Secretary of Defense shall require and coordinate a con-
19 cept demonstration of the Global Hawk high altitude en-
20 durance unmanned aerial vehicle.

21 (b) PURPOSE OF DEMONSTRATION.—The purpose of
22 the concept demonstration is to demonstrate the capability
23 of the Global Hawk high altitude endurance unmanned
24 aerial vehicle to operate in an airborne surveillance mode,
25 using available, non-developmental technology.

1 (c) TIME FOR DEMONSTRATION.—The Secretary
2 shall initiate the demonstration not later than March 1,
3 2001.

4 (d) PARTICIPATION BY CINCS.—The Secretary shall
5 require the commander of the United States Joint Forces
6 Command and the commander of the United States
7 Southern Command jointly to provide guidance for the
8 demonstration and otherwise to participate in the dem-
9 onstration.

10 (e) SCENARIO FOR DEMONSTRATION.—The dem-
11 onstration shall be conducted in a counter-drug surveil-
12 lance scenario that is designed to replicate factual condi-
13 tions typically encountered in the performance of the
14 counter-drug surveillance mission of the commander of the
15 United States Southern Command within that com-
16 mander's area of responsibility.

17 (f) REPORT.—Not later than 45 days after the dem-
18 onstration is completed, the Secretary shall submit to Con-
19 gress a report on the results of the demonstration. The
20 report shall include the following:

21 (1) The Secretary's assessment of the technical
22 feasibility of using the Global Hawk high altitude
23 endurance unmanned aerial vehicle for airborne air
24 surveillance.

1 (2) A discussion of the operational concept for
2 the use of the vehicle for that purpose.

3 (g) FUNDING.—Of the funds authorized to be appro-
4 priated by section 301(20) for Drug Interdiction and
5 Counter-drug Activities, Defense-wide, \$18,000,000 shall
6 be available for the concept demonstration required by
7 subsection (a), including initiation of concurrent develop-
8 ment for an improved surveillance radar.

9 **SEC. 222. ARMY SPACE CONTROL TECHNOLOGY DEVELOP-**
10 **MENT.**

11 Of the funds authorized to be appropriated under sec-
12 tion 201(1) for Army space control technology,
13 \$3,000,000 shall be available for the kinetic energy anti-
14 satellite technology program.

15 **Subtitle C—Ballistic Missile**
16 **Defense**

17 **SEC. 231. FUNDING FOR FISCAL YEAR 2001.**

18 Of the funds authorized to be appropriated in section
19 201(4), \$1,875,238,000 shall be available for the National
20 Missile Defense program.

21 **SEC. 232. REPORTS ON BALLISTIC MISSILE THREAT POSED**
22 **BY NORTH KOREA.**

23 (a) REPORT ON BALLISTIC MISSILE THREAT.—Not
24 later than two weeks after the next flight test by North
25 Korea of a long-range ballistic missile, the President shall

1 submit to Congress, in classified and unclassified form, a
2 report on the North Korean ballistic missile threat to the
3 United States. The report shall include the following:

4 (1) An assessment of the current North Korean
5 missile threat to the United States.

6 (2) An assessment of whether the United States
7 is capable of defeating the North Korean long-range
8 missile threat to the United States as of the date of
9 the report.

10 (3) An assessment of when the United States
11 will be capable of defeating the North Korean mis-
12 sile threat to the United States.

13 (4) An assessment of the potential for prolifera-
14 tion of North Korean missile technologies to other
15 states and whether such proliferation will accelerate
16 the development of additional long-range ballistic
17 missile threats to the United States.

18 (b) REPORT ON REDUCING VULNERABILITY.—Not
19 later than two weeks after the next flight test by North
20 Korea of a long-range ballistic missile, the President shall
21 submit to Congress a report providing the following:

22 (1) Any additional steps the President intends
23 to take to reduce the period of time during which
24 the Nation is vulnerable to the North Korean long-
25 range ballistic missile threat.

1 (2) The technical and programmatic viability of
2 testing any other missile defense systems against
3 targets with flight characteristics similar to the
4 North Korean long-range missile threat, and plans
5 to do so if such tests are considered to be a viable
6 alternative.

7 (c) DEFINITION.—For purposes of this section, the
8 term “United States”, when used in a geographic sense,
9 means the 50 States, the District of Columbia, and any
10 Commonwealth, territory, or possession of the United
11 States.

12 **SEC. 233. PLAN TO MODIFY BALLISTIC MISSILE DEFENSE**
13 **ARCHITECTURE.**

14 (a) PLAN.—The Director of the Ballistic Missile De-
15 fense Organization shall develop a plan to adapt ballistic
16 missile defense systems and architectures to counter po-
17 tential threats to the United States, United States forces
18 deployed outside the United States, and other United
19 States national security interests that are posed by longer
20 range medium-range ballistic missiles and intermediate-
21 range ballistic missiles.

22 (b) USE OF SPACE-BASED SENSORS INCLUDED.—
23 The plan shall include—

24 (1) potential use of space-based sensors, includ-
25 ing the Space-Based Infrared System (SBIRS) Low

1 and Space-Based Infrared System (SBIRS) High,
2 Navy theater missile defense assets, upgrades of
3 land-based theater missile defenses, the airborne
4 laser, and other assets available in the European
5 theater; and

6 (2) a schedule for ground and flight testing
7 against the identified threats.

8 (c) REPORT.—The Secretary of Defense shall assess
9 the plan and, not later than February 15, 2001, shall sub-
10 mit to the congressional defense committees a report on
11 the results of the assessment.

12 **SEC. 234. MANAGEMENT OF AIRBORNE LASER PROGRAM.**

13 (a) OVERSIGHT OF FUNDING, SCHEDULE, AND
14 TECHNICAL REQUIREMENTS.—With respect to the pro-
15 gram known as of the date of the enactment of this Act
16 as the “Airborne Laser” program, the Secretary of De-
17 fense shall require that the Secretary of the Air Force ob-
18 tain the concurrence of the Director of the Ballistic Missile
19 Defense Organization before the Secretary—

20 (1) makes any change to the funding plan or
21 schedule for that program that would delay to a date
22 later than September 30, 2003, the first test of the
23 airborne laser that is intended to destroy a ballistic
24 missile in flight;

1 (2) makes any change to the funding plan for
2 that program in the future-years defense program
3 that would delay the initial operational capability of
4 the airborne laser; and

5 (3) makes any change to the technical require-
6 ments of the airborne laser that would significantly
7 reduce its ballistic missile defense capabilities.

8 (b) REPORT.—Not later than February 15, 2001, the
9 Director of the Ballistic Missile Defense Organization
10 shall submit to the congressional defense committees a re-
11 port, to be prepared in coordination with the Secretary
12 of the Air Force, on the role of the airborne laser in the
13 family of systems missile defense architecture developed
14 by the Director of the Ballistic Missile Defense Organiza-
15 tion and the Director of the Joint Theater Air and Missile
16 Defense Organization. The report shall be submitted in
17 unclassified and, if necessary, classified form. The report
18 shall include the following:

19 (1) An assessment by the Secretary of the Air
20 Force and the Director of the Ballistic Missile De-
21 fense Organization of the funding plan for that pro-
22 gram required to achieve the schedule identified in
23 paragraphs (1) and (2) of subsection (a).

24 (2) Potential future airborne laser roles in that
25 architecture.

1 (3) An assessment of the effect of deployment
2 of the airborne laser on requirements for theater
3 ballistic missile defense systems.

4 (4) An assessment of the cost effectiveness of
5 the airborne laser compared to other ballistic missile
6 defense systems.

7 (5) An assessment of the relative significance of
8 the airborne laser in the family of systems missile
9 defense architecture.

10 **Subtitle D—High Energy Laser**
11 **Programs**

12 **SEC. 241. FUNDING.**

13 (a) FUNDING FOR FISCAL YEAR 2001.—(1) Of the
14 amount authorized to be appropriated by section 201(4),
15 \$30,000,000 is authorized for high energy laser develop-
16 ment.

17 (2) Funds available under this subsection are avail-
18 able to supplement the high energy laser programs of the
19 military departments and Defense Agencies, as deter-
20 mined by the official designated under section 243.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) the Department of Defense should establish
24 funding for high energy laser programs within the
25 science and technology programs of each of the mili-

1 tary departments and the Ballistic Missile Defense
2 Organization; and

3 (2) the Secretary of Defense should establish a
4 goal that basic, applied, and advanced research in
5 high energy laser technology should constitute at
6 least 4.5 percent of the total science and technology
7 budget of the Department of Defense by fiscal year
8 2004.

9 **SEC. 242. IMPLEMENTATION OF HIGH ENERGY LASER MAS-**
10 **TER PLAN.**

11 The Secretary of Defense shall implement the man-
12 agement and organizational structure specified in the De-
13 partment of Defense High Energy Laser Master Plan of
14 March 24, 2000.

15 **SEC. 243. DESIGNATION OF SENIOR OFFICIAL FOR HIGH**
16 **ENERGY LASER PROGRAMS.**

17 (a) DESIGNATION.—The Secretary of Defense shall
18 designate a single senior civilian official in the Office of
19 the Secretary of Defense (in this subtitle referred to as
20 the “designated official”) to chair the High Energy Laser
21 Technology Council called for in the master plan referred
22 to in section 242 and to carry out responsibilities for the
23 programs for which funds are provided under this subtitle.
24 The designated official shall report directly to the Under
25 Secretary of Defense for Acquisition, Technology, and Lo-

1 gistics for matters concerning the responsibilities specified
2 in subsection (b).

3 (b) RESPONSIBILITIES.—The primary responsibilities
4 of the designated official shall include the following:

5 (1) Establishment of priorities for the high en-
6 ergy laser programs of the military departments and
7 the Defense Agencies.

8 (2) Coordination of high energy laser programs
9 among the military departments and the Defense
10 Agencies.

11 (3) Identification of promising high energy laser
12 technologies for which funding should be a high pri-
13 ority for the Department of Defense and establish-
14 ment of priority for funding among those tech-
15 nologies.

16 (4) Preparation, in coordination with the Secre-
17 taries of the military departments and the Directors
18 of the Defense Agencies, of a detailed technology
19 plan to develop and mature high energy laser tech-
20 nologies.

21 (5) Planning and programming appropriate to
22 rapid evolution of high energy laser technology.

23 (6) Ensuring that high energy laser programs
24 of each military department and the Defense Agen-
25 cies are initiated and managed effectively and are

1 complementary with programs managed by the other
2 military departments and Defense Agencies and by
3 the Office of the Secretary of Defense.

4 (7) Ensuring that the high energy laser pro-
5 grams of the military departments and the Defense
6 Agencies comply with the requirements specified in
7 subsection (c).

8 (c) COORDINATION AND FUNDING BALANCE.—In
9 carrying out the responsibilities specified in subsection (b),
10 the designated official shall ensure that—

11 (1) high energy laser programs of each military
12 department and of the Defense Agencies are con-
13 sistent with the priorities identified in the designated
14 official's planning and programming activities;

15 (2) funding provided by the Office of the Sec-
16 retary of Defense for high energy laser research and
17 development complements high energy laser pro-
18 grams for which funds are provided by the military
19 departments and the Defense Agencies;

20 (3) programs, projects, and activities to be car-
21 ried out by the recipients of such funds are selected
22 on the basis of appropriate competitive procedures
23 or Department of Defense peer review process;

24 (4) beginning with fiscal year 2002, funding
25 from the Office of the Secretary of Defense in ap-

1 plied research and advanced technology development
2 program elements is not applied to technology ef-
3 forts in support of high energy laser programs that
4 are not funded by a military department or the De-
5 fense Agencies; and

6 (5) funding from the Office of the Secretary of
7 Defense to complement an applied research or ad-
8 vanced technology development high energy laser
9 program for which funds are provided by one of the
10 military departments or the Defense Agencies do not
11 exceed the amount provided by the military depart-
12 ment or the Defense Agencies for that program.

13 **SEC. 244. SITE FOR JOINT TECHNOLOGY OFFICE.**

14 (a) DEADLINE FOR SELECTION OF SITE.—The Sec-
15 retary of Defense shall locate the Joint Technology Office
16 called for in the High Energy Laser Master Plan referred
17 to in section 242 at a location determined appropriate by
18 the Secretary not later than 30 days after the date of the
19 enactment of this Act.

20 (b) CONSIDERATION OF SITE.—In determining the
21 location of the Joint Technology Office, the Secretary
22 shall, in consultation with the Deputy Under Secretary of
23 Defense for Science and Technology, assess—

24 (1) cost;

1 (2) accessibility between the Office and the
2 Armed Forces and senior Department of Defense
3 leaders; and

4 (3) the advantages and disadvantages of locat-
5 ing the Office at a site at which occurs a substantial
6 proportion of the directed energy research, develop-
7 ment, test, and evaluation activities of the Depart-
8 ment of Defense.

9 **SEC. 245. HIGH ENERGY LASER INFRASTRUCTURE IM-**
10 **PROVEMENTS.**

11 (a) **ENHANCEMENT OF INDUSTRIAL BASE.**—The
12 Secretary of Defense shall consider, evaluate, and under-
13 take to the extent appropriate initiatives, including invest-
14 ment initiatives, to enhance the industrial base to support
15 military applications of high energy laser technologies and
16 systems.

17 (b) **ENHANCEMENT OF TEST AND EVALUATION CA-**
18 **PABILITIES.**—The Secretary of Defense shall consider
19 modernizing the High Energy Laser Test Facility at
20 White Sands Missile Range, New Mexico, in order to en-
21 hance the test and evaluation capabilities of the Depart-
22 ment of Defense with respect to high energy laser weap-
23 ons.

1 **SEC. 246. COOPERATIVE PROGRAMS AND ACTIVITIES.**

2 (a) MEMORANDUM OF AGREEMENT WITH NNSA.—

3 (1) The Secretary of Defense and the Administrator for
4 Nuclear Security of the Department of Energy shall enter
5 into a memorandum of agreement to conduct joint re-
6 search and development on military applications of high
7 energy lasers.

8 (2) The projects pursued under the memorandum of
9 agreement—

10 (A) shall be of mutual benefit to the national
11 security programs of the Department of Defense and
12 the National Nuclear Security Administration of the
13 Department of Energy;

14 (B) shall be prioritized jointly by officials des-
15 ignated to do so by the Secretary of Defense and the
16 Administrator; and

17 (C) shall be consistent with the technology plan
18 prepared pursuant to section 243(b)(4) and the re-
19 quirements identified in section 243(c).

20 (3) The costs of each project pursued under the
21 memorandum of agreement shall be shared equally by the
22 Department of Defense and the National Nuclear Security
23 Administration.

24 (4) The memorandum of agreement shall provide for
25 appropriate peer review of projects pursued under the
26 memorandum of agreement.

1 (b) EVALUATION OF OTHER COOPERATIVE PRO-
2 GRAMS AND ACTIVITIES.—The Secretary of Defense shall
3 evaluate the feasibility and advisability of entering into co-
4 operative programs or activities with other Federal agen-
5 cies, institutions of higher education, and the private sec-
6 tor for the purpose of enhancing the programs, projects,
7 and activities of the Department of Defense relating to
8 high energy laser technologies, systems, and weapons.

9 **SEC. 247. TECHNOLOGY PLAN.**

10 The designated official shall submit to the congres-
11 sional defense committees by February 15, 2001, the tech-
12 nology plan prepared pursuant to section 243(b)(4). The
13 report shall be submitted in unclassified and, if necessary,
14 classified form.

15 **SEC. 248. ANNUAL REPORT.**

16 Not later than February 15 of 2001, 2002, and 2003,
17 the Secretary of Defense shall submit to the congressional
18 defense committees a report on the high energy laser pro-
19 grams of the Department of Defense. Each report shall
20 include an assessment of the following:

21 (1) The adequacy of the management structure
22 of the Department of Defense for the high energy
23 laser programs.

24 (2) The funding available for the high energy
25 laser programs.

1 (3) The technical progress achieved for the high
2 energy laser programs.

3 (4) The extent to which goals and objectives of
4 the high energy laser technology plan have been met.

5 **SEC. 249. DEFINITION.**

6 For purposes of this subtitle, the term “high energy
7 laser” means a laser that has average power in excess of
8 one kilowatt and that has potential weapons applications.

9 **SEC. 250. REVIEW OF DEFENSE-WIDE DIRECTED ENERGY**
10 **PROGRAMS.**

11 (a) EVALUATION.—The Secretary of Defense, in con-
12 sultation with the Deputy Under Secretary of Defense for
13 Science and Technology, shall evaluate expansion of the
14 High Energy Laser management structure specified in
15 section 242 for possible inclusion in that management
16 structure of science and technology programs in related
17 areas, including the following:

18 (1) High power microwave technologies.

19 (2) Low energy and nonlethal laser tech-
20 nologies.

21 (3) Other directed energy technologies.

22 (b) CONSIDERATION OF PRIOR STUDY.—The evalua-
23 tion under subsection (a) shall take into consideration the
24 July 1999 Department of Defense study on streamlining
25 and coordinating science and technology and research, de-

1 velopment, test, and evaluation within the Department of
2 Defense.

3 (c) REPORT.—The Secretary of Defense shall submit
4 to the congressional defense committees a report on the
5 findings of the evaluation under subsection (a). The report
6 shall be submitted not later than March 15, 2001.

7 **Subtitle E—Other Matters**

8 **SEC. 251. REPORTS ON MOBILE OFFSHORE BASE CONCEPT** 9 **AND POTENTIAL USE FOR CERTAIN PUR-** 10 **POSES OF TECHNOLOGIES ASSOCIATED WITH** 11 **THAT CONCEPT.**

12 (a) REPORT ON MERITS OF MOBILE OFFSHORE
13 BASE CONCEPT.—Not later than March 1, 2001, the Sec-
14 retary of Defense shall submit to the congressional defense
15 committees a report on the mobile offshore base concept.
16 The report shall include the following:

17 (1) A cost-benefit analysis of the mobile off-
18 shore base, using operational concepts that would
19 support the National Military Strategy.

20 (2) A recommendation regarding whether to
21 proceed with the mobile offshore base as a program
22 and, if so—

23 (A) a statement regarding which of the
24 Armed Forces is to be designated to have the
25 lead responsibility for the program; and

1 (B) a schedule for the program.

2 (b) REPORT ON POTENTIAL USE FOR CERTAIN PUR-
3 POSES OF ASSOCIATED TECHNOLOGIES.—Not later than
4 March 1, 2001, the Secretary of the Navy shall submit
5 to the congressional defense committees a report on the
6 potential use of technologies associated with the mobile
7 offshore base concept. The report shall include an assess-
8 ment of the potential application and feasibility of using
9 existing technologies, including those technologies associ-
10 ated with the mobile offshore base concept, to a sea-based
11 landing platform for support of naval aviation training.

12 **SEC. 252. AIR FORCE SCIENCE AND TECHNOLOGY PLAN-**
13 **NING.**

14 (a) REQUIREMENT FOR REVIEW.—The Secretary of
15 the Air Force shall conduct a review of the long-term chal-
16 lenges and short-term objectives of the Air Force science
17 and technology programs. The Secretary shall complete
18 the review not later than one year after the date of the
19 enactment of this Act.

20 (b) MATTERS TO BE REVIEWED.—The review shall
21 include the following:

22 (1) An assessment of the budgetary resources
23 that are being used for fiscal year 2001 for address-
24 ing the long-term challenges and the short-term ob-

1 jectives of the Air Force science and technology pro-
2 grams.

3 (2) The budgetary resources that are necessary
4 to address those challenges and objectives ade-
5 quately.

6 (3) A course of action for each projected or on-
7 going Air Force science and technology program
8 that does not address either the long-term challenges
9 or the short-term objectives.

10 (4) The matters required under subsection
11 (c)(5) and (d)(6).

12 (c) LONG-TERM CHALLENGES.—(1) The Secretary of
13 the Air Force shall establish an integrated product team
14 to identify high-risk, high-payoff challenges that will pro-
15 vide a long-term focus and motivation for the Air Force
16 science and technology programs over the next 20 to 50
17 years following the enactment of this Act. The integrated
18 product team shall include representatives of the Office
19 of Scientific Research and personnel from the Air Force
20 Research Laboratory.

21 (2) The team shall solicit views from the entire Air
22 Force science and technology community on the matters
23 under consideration by the team.

24 (3) The team—

1 (A) shall select for consideration science and
2 technology challenges that involve—

3 (i) compelling requirements of the Air
4 Force;

5 (ii) high-risk, high-payoff areas of explo-
6 ration; and

7 (iii) very difficult, but probably achievable,
8 results; and

9 (B) should not select a linear extension of any
10 ongoing Air Force science and technology program
11 for consideration as a science and technology chal-
12 lenge under subparagraph (A).

13 (4) The Deputy Assistant Secretary of the Air Force
14 for Science, Technology, and Engineering shall designate
15 a technical coordinator and a management coordinator for
16 each science and technology challenge identified pursuant
17 to this subsection. Each technical coordinator shall have
18 sufficient expertise in fields related to the challenge to be
19 able to identify other experts in such fields and to affirm
20 the credibility of the challenge. The coordinator for a
21 science and technology challenge shall conduct workshops
22 within the relevant scientific and technological community
23 to obtain suggestions for possible approaches to address-
24 ing the challenge and to identify ongoing work that ad-

1 dresses the challenge, deficiencies in current work relating
2 to the challenge, and promising areas of research.

3 (5) In carrying out subsection (a), the Secretary of
4 the Air Force shall review the science and technology chal-
5 lenges identified pursuant to this subsection and, for each
6 such challenge, at a minimum—

7 (A) consider the results of the workshops con-
8 ducted pursuant to paragraph (4); and

9 (B) identify any work not currently funded by
10 the Air Force that should be performed to meet the
11 challenge.

12 (d) SHORT-TERM OBJECTIVES.—(1) The Secretary
13 of the Air Force shall establish a task force to identify
14 short-term technological objectives of the Air Force
15 science and technology programs. The task force shall be
16 chaired by the Deputy Assistant Secretary of the Air
17 Force for Science, Technology, and Engineering and shall
18 include representatives of the Chief of Staff of the Air
19 Force and the specified combatant commands of the Air
20 Force.

21 (2) The task force shall solicit views from the entire
22 Air Force requirements community, user community, and
23 acquisition community.

24 (3) The task force shall select for consideration short-
25 term objectives that involve—

- 1 (A) compelling requirements of the Air Force;
- 2 (B) support in the user community; and
- 3 (C) likely attainment of the desired benefits
- 4 within a five-year period.

5 (4) The Deputy Assistant Secretary of the Air Force
6 for Science, Technology, and Engineering shall establish
7 an integrated product team for each short-term objective
8 identified pursuant to this subsection. Each integrated
9 product team shall include representatives of the require-
10 ments community, the user community, and the science
11 and technology community with relevant expertise.

12 (5) The integrated product team for a short-term ob-
13 jective shall be responsible for—

14 (A) identifying, defining, and prioritizing the
15 enabling capabilities that are necessary for achieving
16 the objective;

17 (B) identifying deficiencies in the enabling ca-
18 pabilities that must be addressed if the short-term
19 objective is to be achieved; and

20 (C) working with the Air Force science and
21 technology community to identify science and tech-
22 nology projects and programs that should be under-
23 taken to eliminate each deficiency in an enabling ca-
24 pability.

1 (6) In carrying out subsection (a), the Secretary of
2 the Air Force shall review the short-term science and tech-
3 nology objectives identified pursuant to this subsection
4 and, for each such objective, at a minimum—

5 (A) consider the work of the integrated product
6 team conducted pursuant to paragraph (5); and

7 (B) identify the science and technology work of
8 the Air Force that should be undertaken to elimi-
9 nate each deficiency in enabling capabilities that is
10 identified by the integrated product team pursuant
11 to subparagraph (B) of that paragraph.

12 (e) COMPTROLLER GENERAL REVIEW.—(1) Not later
13 than 90 days after the Secretary of the Air Force com-
14 pletes the review required by subsection (a), the Comp-
15 troller General shall submit to Congress a report on the
16 results of the review. The report shall include the Comp-
17 troller General’s assessment regarding the extent to which
18 the review was conducted in compliance with the require-
19 ments of this section.

20 (2) Immediately upon completing the review required
21 by subsection (a), the Secretary of Defense shall notify
22 the Comptroller General of the completion of the review.
23 For the purposes of paragraph (1), the date of the notifi-
24 cation shall be considered the date of the completion of
25 the review.

1 **SEC. 253. ENHANCEMENT OF AUTHORITIES REGARDING**
2 **EDUCATION PARTNERSHIPS FOR PURPOSES**
3 **OF ENCOURAGING SCIENTIFIC STUDY.**

4 (a) ASSISTANCE IN SUPPORT OF PARTNERSHIPS.—
5 Subsection (b) of section 2194 of title 10, United States
6 Code, is amended—

7 (1) in the matter preceding paragraph (1), by
8 inserting “, and is encouraged to provide,” after
9 “may provide”;

10 (2) in paragraph (1), by inserting before the
11 semicolon the following: “for any purpose and dura-
12 tion in support of such agreement that the director
13 considers appropriate”; and

14 (3) by striking paragraph (2) and inserting the
15 following new paragraph (2):

16 “(2) notwithstanding the provisions of the Fed-
17 eral Property and Administrative Services Act of
18 1949 (40 U.S.C. 471 et seq.) or any provision of law
19 or regulation relating to transfers of surplus prop-
20 erty, transferring to the institution any computer
21 equipment, or other scientific equipment, that is—

22 “(A) commonly used by educational insti-
23 tutions;

24 “(B) surplus to the needs of the defense
25 laboratory; and

1 “(C) determined by the director to be ap-
2 propriate for support of such agreement;”.

3 (b) DEFENSE LABORATORY DEFINED.—Subsection
4 (e) of that section is amended to read as follows:

5 “(e) In this section:

6 “(1) The term ‘defense laboratory’ means any
7 laboratory, product center, test center, depot, train-
8 ing and educational organization, or operational
9 command under the jurisdiction of the Department
10 of Defense.

11 “(2) The term ‘local educational agency’ has
12 the meaning given such term in section 14101 of the
13 Elementary and Secondary Education Act of 1965
14 (20 U.S.C. 8801).”.

15 **SEC. 254. RECOGNITION OF THOSE INDIVIDUALS INSTRU-**
16 **MENTAL TO NAVAL RESEARCH EFFORTS**
17 **DURING THE PERIOD FROM BEFORE WORLD**
18 **WAR II THROUGH THE END OF THE COLD**
19 **WAR.**

20 (a) FINDINGS.—Congress makes the following find-
21 ings:

22 (1) The contributions of the Nation’s scientific
23 community and of science research to the victory of
24 the United States and its allies in World War II re-
25 sulted in the understanding that science and tech-

1 nology are of critical importance to the future secu-
2 rity of the Nation.

3 (2) Academic institutions and oceanographers
4 provided vital support to the Navy and the Marine
5 Corps during World War II.

6 (3) Congress created the Office of Naval Re-
7 search in the Department of the Navy in 1946 to
8 ensure the availability of resources for research in
9 oceanography and other fields related to the mis-
10 sions of the Navy and Marine Corps.

11 (4) The Office of Naval Research of the De-
12 partment of the Navy, in addition to its support of
13 naval research within the Federal Government, has
14 also supported the conduct of oceanographic and sci-
15 entific research through partnerships with edu-
16 cational and scientific institutions throughout the
17 Nation.

18 (5) These partnerships have long been recog-
19 nized as among the most innovative and productive
20 research partnerships ever established by the Fed-
21 eral Government and have resulted in a vast im-
22 provement in understanding of basic ocean processes
23 and the development of new technologies critical to
24 the security and defense of the Nation.

1 (b) CONGRESSIONAL RECOGNITION AND APPRECIATION.—Congress—

3 (1) applauds the commitment and dedication of
4 the officers, scientists, researchers, students, and ad-
5 ministrators who were instrumental to the program
6 of partnerships for oceanographic and scientific re-
7 search between the Federal Government and aca-
8 demic institutions, including those individuals who
9 helped forge that program before World War II, im-
10 plement it during World War II, and improve it
11 throughout the Cold War;

12 (2) recognizes that the Nation, in ultimately
13 prevailing in the Cold War, relied to a significant ex-
14 tent on research supported by, and technologies de-
15 veloped through, those partnerships and, in par-
16 ticular, on the superior understanding of the ocean
17 environment generated through that research;

18 (3) supports efforts by the Secretary of the
19 Navy and the Chief of Naval Research to honor
20 those individuals, who contributed so greatly and un-
21 selfishly to the naval mission and the national de-
22 fense, through those partnerships during the period
23 beginning before World War II and continuing
24 through the end of the Cold War; and

1 (4) expresses appreciation for the ongoing ef-
 2 forts of the Office of Naval Research to support
 3 oceanographic and scientific research and the devel-
 4 opment of researchers in those fields, to ensure that
 5 such partnerships will continue to make important
 6 contributions to the defense and the general welfare
 7 of the Nation.

8 **TITLE III—OPERATION AND** 9 **MAINTENANCE**

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
- Sec. 305. Joint warfighting capabilities assessment teams.

Subtitle B—Environmental Provisions

- Sec. 311. Establishment of additional environmental restoration account and use of accounts for operation and monitoring of environmental remedies.
- Sec. 312. Certain environmental restoration activities.
- Sec. 313. Annual reports under Strategic Environmental Research and Development Program.
- Sec. 314. Payment of fines and penalties for environmental compliance at Fort Wainwright, Alaska.
- Sec. 315. Payment of fines or penalties imposed for environmental compliance violations at other Department of Defense facilities.
- Sec. 316. Reimbursement for certain costs in connection with the former Nansemond Ordnance Depot Site, Suffolk, Virginia.
- Sec. 317. Necessity of military low-level flight training to protect national security and enhance military readiness.
- Sec. 318. Ship disposal project.
- Sec. 319. Defense Environmental Security Corporate Information Management Program.
- Sec. 320. Report on Plasma Energy Pyrolysis System.
- Sec. 321. Sense of Congress regarding environmental restoration of former defense manufacturing site, Santa Clarita, California.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

- Sec. 331. Use of appropriated funds to cover operating expenses of commissary stores.

- Sec. 332. Adjustment of sales prices of commissary store goods and services to cover certain expenses.
- Sec. 333. Use of surcharges for construction and improvement of commissary stores.
- Sec. 334. Inclusion of magazines and other periodicals as an authorized commissary merchandise category.
- Sec. 335. Use of most economical distribution method for distilled spirits.
- Sec. 336. Report on effects of availability of slot machines on United States military installations overseas.

Subtitle D—Department of Defense Industrial Facilities

- Sec. 341. Designation of Centers of Industrial and Technical Excellence and public-private partnerships to increase utilization of such centers.
- Sec. 342. Unutilized and underutilized plant-capacity costs of United States arsenals.
- Sec. 343. Arsenal support program initiative.
- Sec. 344. Codification and improvement of armament retooling and manufacturing support programs.

Subtitle E—Performance of Functions by Private-Sector Sources

- Sec. 351. Inclusion of additional information in reports to Congress required before conversion of commercial or industrial type functions to contractor performance.
- Sec. 352. Effects of outsourcing on overhead costs of Centers of Industrial and Technical Excellence and Army ammunition plants.
- Sec. 353. Consolidation, restructuring, or reengineering of Department of Defense organizations, functions, or activities.
- Sec. 354. Monitoring of savings resulting from workforce reductions as part of conversion of functions to performance by private sector or other strategic sourcing initiatives.
- Sec. 355. Performance of emergency response functions at chemical weapons storage installations.
- Sec. 356. Suspension of reorganization or relocation of Naval Audit Service.

Subtitle F—Defense Dependents Education

- Sec. 361. Eligibility of dependents of American Red Cross employees for enrollment in Department of Defense domestic dependent schools in Puerto Rico.
- Sec. 362. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 363. Impact aid for children with severe disabilities.
- Sec. 364. Assistance for maintenance, repair, and renovation of school facilities that serve dependents of members of the Armed Forces and Department of Defense civilian employees.

Subtitle G—Military Readiness Issues

- Sec. 371. Measuring cannibalization of parts, supplies, and equipment under readiness reporting system.
- Sec. 372. Reporting requirements regarding transfers from high-priority readiness appropriations.

- Sec. 373. Effects of worldwide contingency operations on readiness of military aircraft and equipment.
- Sec. 374. Identification of requirements to reduce backlog in maintenance and repair of defense facilities.
- Sec. 375. New methodology for preparing budget requests to satisfy Army readiness requirements.
- Sec. 376. Review of AH-64 aircraft program.
- Sec. 377. Report on Air Force spare and repair parts program for C-5 aircraft.

Subtitle H—Other Matters

- Sec. 381. Annual report on public sale of certain military equipment identified on United States Munitions List.
- Sec. 382. Resale of armor-piercing ammunition disposed of by the Army.
- Sec. 383. Reimbursement by civil air carriers for support provided at Johnston Atoll.
- Sec. 384. Travel by Reserves on military aircraft.
- Sec. 385. Overseas airlift service on Civil Reserve Air Fleet aircraft.
- Sec. 386. Additions to plan for ensuring visibility over all in-transit end items and secondary items.
- Sec. 387. Reauthorization of pilot program for acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.
- Sec. 388. Extension of authority to sell certain aircraft for use in wildfire suppression.
- Sec. 389. Damage to aviation facilities caused by alkali silica reactivity.
- Sec. 390. Demonstration project to increase reserve component internet access and services in rural communities.
- Sec. 391. Additional conditions on implementation of Defense Joint Accounting System.
- Sec. 392. Report on Defense Travel System.
- Sec. 393. Review of Department of Defense costs of maintaining historical properties.

1 **Subtitle A—Authorization of** 2 **Appropriations**

3 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2001 for the use of the Armed Forces and other
6 activities and agencies of the Department of Defense for
7 expenses, not otherwise provided for, for operation and
8 maintenance, in amounts as follows:

9 (1) For the Army, \$19,280,381,000.

10 (2) For the Navy, \$23,766,610,000.

1 (3) For the Marine Corps, \$2,826,291,000.

2 (4) For the Air Force, \$22,395,221,000.

3 (5) For Defense-wide activities,
4 \$11,740,569,000.

5 (6) For the Army Reserve, \$1,561,418,000.

6 (7) For the Naval Reserve, \$978,946,000.

7 (8) For the Marine Corps Reserve,
8 \$144,159,000.

9 (9) For the Air Force Reserve, \$1,903,859,000.

10 (10) For the Army National Guard,
11 \$3,233,835,000.

12 (11) For the Air National Guard,
13 \$3,468,375,000.

14 (12) For the Defense Inspector General,
15 \$144,245,000.

16 (13) For the United States Court of Appeals
17 for the Armed Forces, \$8,574,000.

18 (14) For Environmental Restoration, Army,
19 \$389,932,000.

20 (15) For Environmental Restoration, Navy,
21 \$294,038,000.

22 (16) For Environmental Restoration, Air Force,
23 \$376,300,000.

24 (17) For Environmental Restoration, Defense-
25 wide, \$21,412,000.

1 (18) For Environmental Restoration, Formerly
2 Used Defense Sites, \$231,499,000.

3 (19) For Overseas Humanitarian, Disaster, and
4 Civic Aid programs, \$55,900,000.

5 (20) For Drug Interdiction and Counter-drug
6 Activities, Defense-wide, \$869,000,000.

7 (21) For the Kaho’olawe Island Conveyance,
8 Remediation, and Environmental Restoration Trust
9 Fund, \$25,000,000.

10 (22) For Defense Health Program,
11 \$11,480,123,000.

12 (23) For Cooperative Threat Reduction pro-
13 grams, \$443,400,000.

14 (24) For Overseas Contingency Operations
15 Transfer Fund, \$4,100,577,000.

16 (25) For Quality of Life Enhancements, De-
17 fense-Wide, \$10,500,000.

18 **SEC. 302. WORKING CAPITAL FUNDS.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2001 for the use of the Armed Forces and other
21 activities and agencies of the Department of Defense for
22 providing capital for working capital and revolving funds
23 in amounts as follows:

24 (1) For the Defense Working Capital Funds,
25 \$916,276,000.

1 (2) For the National Defense Sealift Fund,
2 \$388,158,000.

3 **SEC. 303. ARMED FORCES RETIREMENT HOME.**

4 There is hereby authorized to be appropriated for fis-
5 cal year 2001 from the Armed Forces Retirement Home
6 Trust Fund the sum of \$69,832,000 for the operation of
7 the Armed Forces Retirement Home, including the United
8 States Soldiers' and Airmen's Home and the Naval Home.

9 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**
10 **PILE TRANSACTION FUND.**

11 (a) TRANSFER AUTHORITY.—To the extent provided
12 in appropriations Acts, not more than \$150,000,000 is au-
13 thorized to be transferred from the National Defense
14 Stockpile Transaction Fund to operation and maintenance
15 accounts for fiscal year 2001 in amounts as follows:

16 (1) For the Army, \$50,000,000.

17 (2) For the Navy, \$50,000,000.

18 (3) For the Air Force, \$50,000,000.

19 (b) TREATMENT OF TRANSFERS.—Amounts trans-
20 ferred under this section—

21 (1) shall be merged with, and be available for
22 the same purposes and the same period as, the
23 amounts in the accounts to which transferred; and

1 (2) may not be expended for an item that has
 2 been denied authorization of appropriations by Con-
 3 gress.

4 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
 5 ITY.—The transfer authority provided in this section is in
 6 addition to the transfer authority provided in section
 7 1001.

8 **SEC. 305. JOINT WARFIGHTING CAPABILITIES ASSESSMENT**
 9 **TEAMS.**

10 Of the total amount authorized to be appropriated
 11 under section 301(5) for operation and maintenance for
 12 Defense-wide activities for the Joint Staff, \$4,000,000 is
 13 available only for the improvement of the performance of
 14 analyses by the joint warfighting capabilities assessment
 15 teams of the Joint Requirements Oversight Council.

16 **Subtitle B—Environmental**
 17 **Provisions**

18 **SEC. 311. ESTABLISHMENT OF ADDITIONAL ENVIRON-**
 19 **MENTAL RESTORATION ACCOUNT AND USE**
 20 **OF ACCOUNTS FOR OPERATION AND MONI-**
 21 **TORING OF ENVIRONMENTAL REMEDIES.**

22 (a) ACCOUNT FOR FORMERLY USED DEFENSE
 23 SITES.—Subsection (a) of section 2703 of title 10, United
 24 States Code, is amended by adding at the end the fol-
 25 lowing new paragraph:

1 “(5) An account to be known as the ‘Environ-
2 mental Restoration Account, Formerly Used Defense
3 Sites’.”.

4 (b) OPERATION AND MONITORING OF ENVIRON-
5 MENTAL REMEDIES.—Such section is further amended by
6 adding at the end the following new subsection:

7 “(f) SOLE SOURCE OF FUNDS FOR OPERATION AND
8 MONITORING OF ENVIRONMENTAL REMEDIES.—(1) The
9 sole source of funds for all phases of an environmental
10 remedy at a site under the jurisdiction of the Department
11 of Defense or a formerly used defense site shall be the
12 applicable environmental restoration account established
13 under subsection (a).

14 “(2) In this subsection, the term ‘environmental rem-
15 edy’ has the meaning given the term ‘remedy’ in section
16 101 of CERCLA (42 U.S.C. 9601).”.

17 **SEC. 312. CERTAIN ENVIRONMENTAL RESTORATION AC-**
18 **TIVITIES.**

19 Subsection (b) of section 2703 of title 10, United
20 States Code, is amended to read as follows:

21 “(b) OBLIGATION OF AUTHORIZED AMOUNTS.—(1)
22 Funds authorized for deposit in an account under sub-
23 section (a) may be obligated or expended from the account
24 only—

1 “(A) to carry out the environmental restoration
2 functions of the Secretary of Defense and the Secre-
3 taries of the military departments under this chapter
4 and under any other provision of law; and

5 “(B) to pay for the costs of permanently relo-
6 cating a facility because of a release or threatened
7 release of hazardous substances, pollutants, or con-
8 taminants from—

9 “(i) real property on which the facility is
10 located and that is currently under the jurisdic-
11 tion of the Secretary of Defense or the Sec-
12 retary of a military department; or

13 “(ii) real property on which the facility is
14 located and that was under the jurisdiction of
15 the Secretary of Defense or the Secretary of a
16 military department at the time of the actions
17 leading to the release or threatened release.

18 “(2) The authority provided by paragraph (1)(B) ex-
19 pires September 30, 2003. The Secretary of Defense or
20 the Secretary of a military department may not pay the
21 costs of permanently relocating a facility under such para-
22 graph unless the Secretary—

23 “(A) determines that permanent relocation—

24 “(i) is the most cost effective method of re-
25 sponding to the release or threatened release of

1 hazardous substances, pollutants, or contami-
2 nants from the real property on which the facil-
3 ity is located;

4 “(ii) has the approval of relevant regu-
5 latory agencies; and

6 “(iii) is supported by the affected commu-
7 nity; and

8 “(B) submits to Congress written notice of the
9 determination before undertaking the permanent re-
10 location of the facility, including a description of the
11 response action taken or to be taken in connection
12 with the permanent relocation and a statement of
13 the costs incurred or to be incurred in connection
14 with the permanent relocation.

15 “(3) If relocation costs are to be paid under para-
16 graph (1)(B) with respect to a facility located on real
17 property described in clause (ii) of such paragraph, the
18 Secretary of Defense or the Secretary of the military de-
19 partment concerned may use only fund transfer mecha-
20 nisms otherwise available to the Secretary.

21 “(4) Funds authorized for deposit in an account
22 under subsection (a) shall remain available until expended.
23 Not more than 5 percent of the funds deposited in an ac-
24 count under subsection (a) for a fiscal year may be used
25 to pay relocation costs under paragraph (1)(B).”.

1 **SEC. 313. ANNUAL REPORTS UNDER STRATEGIC ENVIRON-**
2 **MENTAL RESEARCH AND DEVELOPMENT**
3 **PROGRAM.**

4 (a) REPEAL OF REQUIREMENT FOR ANNUAL RE-
5 PORT FROM SCIENTIFIC ADVISORY BOARD.—Section
6 2904 of title 10, United States Code, is amended—

7 (1) by striking subsection (h); and

8 (2) by redesignating subsection (i) as subsection
9 (h).

10 (b) INCLUSION OF ACTIONS OF BOARD IN ANNUAL
11 REPORTS OF COUNCIL.—Section 2902(d)(3) of such title
12 is amended by adding at the end the following new sub-
13 paragraph:

14 “(D) A summary of the actions of the
15 Strategic Environmental Research and Develop-
16 ment Program Scientific Advisory Board during
17 the year preceding the year in which the report
18 is submitted and any recommendations, includ-
19 ing recommendations on program direction and
20 legislation, that the Advisory Board considers
21 appropriate regarding the program.”.

22 **SEC. 314. PAYMENT OF FINES AND PENALTIES FOR ENVI-**
23 **RONMENTAL COMPLIANCE AT FORT WAIN-**
24 **WRIGHT, ALASKA.**

25 The Secretary of Defense, or the Secretary of the
26 Army, may pay, as part of a settlement of liability, a fine

1 or penalty of not more than \$2,000,000 for matters ad-
2 dressed in the Notice of Violation issued on March 5,
3 1999, by the Administrator of the Environmental Protec-
4 tion Agency to Fort Wainwright, Alaska.

5 **SEC. 315. PAYMENT OF FINES OR PENALTIES IMPOSED FOR**
6 **ENVIRONMENTAL COMPLIANCE VIOLATIONS**
7 **AT OTHER DEPARTMENT OF DEFENSE FA-**
8 **CILITIES.**

9 (a) ARMY VIOLATIONS.—Using amounts authorized
10 to be appropriated by section 301(1) for operation and
11 maintenance for the Army, the Secretary of the Army may
12 pay the following amounts in connection with environ-
13 mental compliance violations at the following locations:

14 (1) \$993,000 for a supplemental environmental
15 project to implement an installation-wide hazardous
16 substance management system at Walter Reed Army
17 Medical Center, Washington, District of Columbia,
18 in satisfaction of a fine imposed by Environmental
19 Protection Agency Region 3 under the Solid Waste
20 Disposal Act (42 U.S.C. 6901 et seq.).

21 (2) \$377,250 for a supplemental environmental
22 project to install new parts washers at Fort Camp-
23 bell, Kentucky, in satisfaction of a fine imposed by
24 Environmental Protection Agency Region 4 under
25 the Solid Waste Disposal Act.

1 (3) \$20,701 for a supplemental environmental
2 project to upgrade the wastewater treatment plant
3 at Fort Gordon, Georgia, in satisfaction of a fine
4 imposed by the State of Georgia under the Solid
5 Waste Disposal Act.

6 (4) \$78,500 for supplemental environmental
7 projects to reduce the generation of hazardous waste
8 at Pueblo Chemical Depot, Colorado, in satisfaction
9 of a fine imposed by the State of Colorado under the
10 Solid Waste Disposal Act.

11 (5) \$20,000 for a supplemental environmental
12 project to repair cracks in floors of igloos used to
13 store munitions hazardous waste at Deseret Chem-
14 ical Depot, Utah, in satisfaction of a fine imposed
15 by the State of Utah under the Solid Waste Disposal
16 Act.

17 (6) \$7,975 for payment to the Texas Natural
18 Resource Conservation Commission of a cash pen-
19 alty for permit violations assessed with respect to
20 Fort Sam Houston, Texas, under the Solid Waste
21 Disposal Act.

22 (b) NAVY VIOLATIONS.—Using amounts authorized
23 to be appropriated by section 301(2) for operation and
24 maintenance for the Navy, the Secretary of the Navy may

1 pay the following amounts in connection with environ-
2 mental compliance violations at the following locations:

3 (1) \$108,800 for payment to the West Virginia
4 Division of Environmental Protection of a cash pen-
5 alty with respect to Allegany Ballistics Laboratory,
6 West Virginia, under the Solid Waste Disposal Act.

7 (2) \$5,000 for payment to Environmental Pro-
8 tection Agency Region 6 of a cash penalty with re-
9 spect to Naval Air Station, Corpus Christi, Texas,
10 under the Clean Air Act (42 U.S.C. 7401).

11 (3) \$1,650 for payment to Environmental Pro-
12 tection Agency Region 3 of a cash penalty with re-
13 spect to Marine Corps Combat Development Com-
14 mand, Quantico, Virginia, under the Clean Air Act.

15 **SEC. 316. REIMBURSEMENT FOR CERTAIN COSTS IN CON-**
16 **NECTION WITH THE FORMER NANSEMOND**
17 **ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.**

18 (a) AUTHORITY.—The Secretary of Defense may pay,
19 using funds described in subsection (b), not more than
20 \$98,210 to the Former Nansemond Ordnance Depot Site
21 Special Account within the Hazardous Substance Super-
22 fund established by section 9507 of the Internal Revenue
23 Code of 1986 (26 U.S.C. 9507) to reimburse the Environ-
24 mental Protection Agency for costs incurred by the agency
25 in overseeing a time critical removal action under

1 CERCLA being performed by the Department of Defense
2 under the Defense Environmental Restoration Program
3 for ordnance and explosive safety hazards at the Former
4 Nansemond Ordnance Depot Site, Suffolk, Virginia, pur-
5 suant to an Interagency Agreement entered into by the
6 Department of the Army and the Environmental Protec-
7 tion Agency on January 3, 2000.

8 (b) SOURCE OF FUNDS.—Any payment under sub-
9 section (a) shall be made using amounts authorized to be
10 appropriated by section 301 to the Environmental Res-
11 toration Account, Formerly Used Defense Sites, estab-
12 lished by paragraph (5) of section 2703(a) of title 10,
13 United States Code, as added by section 311(a) of this
14 Act.

15 (c) DEFINITIONS.—In this section:

16 (1) The term “CERCLA” means the Com-
17 prehensive Environmental Response, Compensation,
18 and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

19 (2) The term “Defense Environmental Restora-
20 tion Program” means the program of environmental
21 restoration carried out under chapter 160 of title 10,
22 United States Code.

1 **SEC. 317. NECESSITY OF MILITARY LOW-LEVEL FLIGHT**
2 **TRAINING TO PROTECT NATIONAL SECURITY**
3 **AND ENHANCE MILITARY READINESS.**

4 Nothing in the National Environmental Policy Act of
5 1969 (42 U.S.C. 4321 et seq.) or the regulations imple-
6 menting such law shall require the Secretary of Defense
7 or the Secretary of a military department to prepare a
8 programmatic, nation-wide environmental impact state-
9 ment for low-level flight training as a precondition to the
10 use by the Armed Forces of an airspace for the perform-
11 ance of low-level training flights.

12 **SEC. 318. SHIP DISPOSAL PROJECT.**

13 (a) CONTINUATION OF PROJECT; PURPOSE.—During
14 fiscal year 2001, the Secretary of the Navy shall continue
15 to carry out the ship disposal project within the United
16 States to permit the Secretary to assemble appropriate
17 data on the cost of scrapping naval vessels.

18 (b) USE OF COMPETITIVE PROCEDURES.—The Sec-
19 retary shall use competitive procedures to award all task
20 orders under the primary contracts under the ship dis-
21 posal project.

22 (c) REPORT.—Not later than December 31, 2000, the
23 Secretary shall submit to the congressional defense com-
24 mittees a report on the ship disposal project. The report
25 shall contain the following:

1 (1) A description of the competitive procedures
2 used for the solicitation and award of all task orders
3 under the project.

4 (2) A description of the task orders awarded
5 under the project.

6 (3) An assessment of the results of the project
7 as of the date of the report, including the perform-
8 ance of contractors under the project.

9 (4) The proposed strategy of the Navy for fu-
10 ture procurement of ship scrapping activities.

11 **SEC. 319. DEFENSE ENVIRONMENTAL SECURITY COR-**
12 **PORATE INFORMATION MANAGEMENT PRO-**
13 **GRAM.**

14 (a) MANAGEMENT AND OVERSIGHT OF PROGRAM.—
15 The Chief Information Officer of the Department of De-
16 fense shall ensure that management and oversight of the
17 Defense Environmental Security Corporate Information
18 Management Program is consistent with the requirements
19 of the Clinger-Cohen Act of 1996 (divisions D and E of
20 Public Law 104–106), section 2223 of title 10, United
21 States Code, Department of Defense Directives 5000.1,
22 5000.2-R, and 5137.1, and all other laws, directives, regu-
23 lations, and management controls applicable to investment
24 in information technology and related services.

1 (b) PROGRAM REPORT REQUIRED.—Not later than
2 60 days after the date of the enactment of this Act, the
3 Secretary of Defense shall submit to the congressional de-
4 fense committees a report on the Defense Environmental
5 Security Corporate Information Management Program.

6 (c) MISSION.—The report shall include a mission
7 statement and strategic objectives for the Defense Envi-
8 ronmental Security Corporate Information Management
9 Program, including the recommendations of the Secretary
10 for the future mission and objectives of the Program.

11 (d) PERSONNEL, ORGANIZATION, AND OVERSIGHT.—
12 The report shall include—

13 (1) the personnel requirements and organiza-
14 tional structure of the Defense Environmental Secu-
15 rity Corporate Information Management Program to
16 carry out the mission statement; and

17 (2) a discussion of—

18 (A) the means by which the Program will
19 ensure program accountability, including ac-
20 countability for all past, current, and future ac-
21 tivities funded under the Program; and

22 (B) the role of the Chief Information Offi-
23 cer of the Department of Defense in ensuring
24 program accountability as required by sub-
25 section (a).

1 (e) PROGRAM ACTIVITIES.—The report shall include
 2 a discussion of the means by which the Defense Environ-
 3 mental Security Corporate Information Management Pro-
 4 gram will address or provide—

5 (1) information access procedures that keep
 6 pace with current and evolving requirements for in-
 7 formation access;

8 (2) data standardization and systems integra-
 9 tion;

10 (3) product failures and cost-effective results;

11 (4) user confidence and utilization; and

12 (5) program continuity.

13 **SEC. 320. REPORT ON PLASMA ENERGY PYROLYSIS SYS-**
 14 **TEM.**

15 (a) REPORT REQUIRED.—Not later than February 1,
 16 2001, the Secretary of the Army shall submit to the con-
 17 gressional defense committees a report on the Plasma En-
 18 ergy Pyrolysis System.

19 (b) REPORT ELEMENTS.—The report on the Plasma
 20 Energy Pyrolysis System shall include the following:

21 (1) An analysis of available information and
 22 data on the fixed-transportable unit demonstration
 23 phase of the System and on the mobile unit dem-
 24 onstration phase of the System.

1 (2) Recommendations regarding future applica-
2 tions for each phase of the System described in
3 paragraph (1).

4 (3) A statement of the projected funding for
5 such future applications.

6 **SEC. 321. SENSE OF CONGRESS REGARDING ENVIRON-**
7 **MENTAL RESTORATION OF FORMER DE-**
8 **FENSE MANUFACTURING SITE, SANTA**
9 **CLARITA, CALIFORNIA.**

10 It is the sense of the Congress that—

11 (1) there exists a 1,000-acre former defense
12 manufacturing site in Santa Clarita, California
13 (known as the “Santa Clarita site”), that could be
14 environmentally restored to serve a future role in the
15 community, and every effort should be made to
16 apply all known public and private sector innovative
17 technologies to restore the Santa Clarita site to pro-
18 ductive use for the benefit of the community; and

19 (2) the experience gained from environmental
20 restoration at the Santa Clarita site by private and
21 public sector partnerships has the potential to ben-
22 efit not only the community of Santa Clarita, but all
23 sites in need of environmental restoration.

1 **Subtitle C—Commissaries and Non-**
2 **appropriated Fund Instrumen-**
3 **talities**

4 **SEC. 331. USE OF APPROPRIATED FUNDS TO COVER OPER-**
5 **ATING EXPENSES OF COMMISSARY STORES.**

6 (a) IN GENERAL.—(1) Section 2484 of title 10,
7 United States Code, is amended to read as follows:

8 **“§ 2484. Commissary stores: use of appropriated**
9 **funds to cover operating expenses**

10 “(a) OPERATION OF AGENCY AND SYSTEM.—Except
11 as otherwise provided in this title, the operation of the
12 Defense Commissary Agency and the defense commissary
13 system may be funded using such amounts as are appro-
14 priated for such purpose.

15 “(b) OPERATING EXPENSES OF COMMISSARY
16 STORES.—Appropriated funds may be used to cover the
17 expenses of operating commissary stores and central prod-
18 uct processing facilities of the defense commissary system.
19 For purposes of this subsection, operating expenses in-
20 clude the following:

21 “(1) Salaries and wages of employees of the
22 United States, host nations, and contractors sup-
23 porting commissary store operations.

24 “(2) Utilities.

25 “(3) Communications.

1 “(4) Operating supplies and services.

2 “(5) Second destination transportation costs
3 within or outside the United States.

4 “(6) Any cost associated with above-store-level
5 management or other indirect support of a com-
6 missary store or a central product processing facil-
7 ity, including equipment maintenance and informa-
8 tion technology costs.”.

9 (2) The table of sections at the beginning of chapter
10 147 of such title is amended by striking the item relating
11 to section 2484 and inserting the following new item:

“2484. Commissary stores: use of appropriated funds to cover operating ex-
penses.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on October 1, 2001.

14 **SEC. 332. ADJUSTMENT OF SALES PRICES OF COMMISSARY**
15 **STORE GOODS AND SERVICES TO COVER**
16 **CERTAIN EXPENSES.**

17 (a) ADJUSTMENT REQUIRED.—Section 2486 of title
18 10, United States Code, is amended—

19 (1) in subsection (c), by striking “section
20 2484(b) or” and inserting “subsection (d) or sec-
21 tion”; and

22 (2) in subsection (d)—

23 (A) in paragraph (1), by striking “sections
24 2484 and” and inserting “section”; and

1 (B) by adding at the end the following new
 2 paragraph:

3 “(3) The sales price of merchandise and services sold
 4 in, at, or by commissary stores shall be adjusted to cover
 5 the following:

6 “(A) The cost of first destination commercial
 7 transportation of the merchandise in the United
 8 States to the place of sale.

9 “(B) The actual or estimated cost of shrinkage,
 10 spoilage, and pilferage of merchandise under the
 11 control of commissary stores.”.

12 (b) EFFECTIVE DATE.—The amendments made by
 13 this section shall take effect on October 1, 2001.

14 **SEC. 333. USE OF SURCHARGES FOR CONSTRUCTION AND**
 15 **IMPROVEMENT OF COMMISSARY STORES.**

16 (a) EXPANSION OF AUTHORIZED USES.—Subsection
 17 (b) of section 2685 of title 10, United States Code, is
 18 amended to read as follows:

19 “(b) USE FOR CONSTRUCTION, REPAIR, IMPROVE-
 20 MENT, AND MAINTENANCE.—(1) The Secretary of De-
 21 fense may use the proceeds from the adjustments or sur-
 22 charges authorized by subsection (a) only—

23 “(A) to acquire (including acquisition by lease),
 24 construct, convert, expand, improve, repair, main-
 25 tain, and equip the physical infrastructure of com-

1 commissary stores and central product processing facili-
2 ties of the defense commissary system; and

3 “(B) to cover environmental evaluation and
4 construction costs related to activities described in
5 paragraph (1), including costs for surveys, adminis-
6 tration, overhead, planning, and design.

7 “(2) In paragraph (1), the term ‘physical infrastruc-
8 ture’ includes real property, utilities, and equipment (in-
9 stalled and free standing and including computer equip-
10 ment), necessary to provide a complete and usable com-
11 missary store or central product processing facility.”.

12 (b) AUTHORITY OF SECRETARY OF DEFENSE.—Such
13 section is further amended—

14 (1) in subsection (a), by striking “Secretary of
15 a military department, under regulations established
16 by him and approved by the Secretary of Defense,”
17 and inserting “Secretary of Defense”;

18 (2) in subsection (c)—

19 (A) by striking “Secretary of a military de-
20 partment, with the approval of the Secretary of
21 Defense and” and inserting “Secretary of De-
22 fense, with the approval of”; and

23 (B) by striking “Secretary of the military
24 department determines” and inserting “Sec-
25 retary determines”; and

1 (3) in subsection (d)(1), by striking “Secretary
2 of a military department” and inserting “Secretary
3 of Defense”.

4 (c) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect on October 1, 2001.

6 **SEC. 334. INCLUSION OF MAGAZINES AND OTHER PERIODI-**
7 **CALS AS AN AUTHORIZED COMMISSARY MER-**
8 **CHANDISE CATEGORY.**

9 (a) ADDITIONAL AUTHORIZED CATEGORY.—Sub-
10 section (b) of section 2486 of title 10, United States Code,
11 is amended—

12 (1) by redesignating paragraph (11) as para-
13 graph (12); and

14 (2) by inserting after paragraph (10) the fol-
15 lowing new paragraph:

16 “(11) Magazines and other periodicals.”.

17 (b) CONFORMING AMENDMENTS.—Subsection (f) of
18 such section is amended—

19 (1) by striking “(1)” before “Notwithstanding”;

20 (2) by striking “items in the merchandise cat-
21 egories specified in paragraph (2)” and inserting
22 “tobacco products”; and

23 (3) by striking paragraph (2).

1 **SEC. 335. USE OF MOST ECONOMICAL DISTRIBUTION METH-**
2 **OD FOR DISTILLED SPIRITS.**

3 Section 2488(c) of title 10, United States Code, is
4 amended—

5 (1) by striking paragraph (2); and

6 (2) by redesignating paragraph (3) as para-
7 graph (2).

8 **SEC. 336. REPORT ON EFFECTS OF AVAILABILITY OF SLOT**
9 **MACHINES ON UNITED STATES MILITARY IN-**
10 **STALLATIONS OVERSEAS.**

11 (a) REPORT REQUIRED.—Not later than March 31,
12 2001, the Secretary of Defense shall submit to Congress
13 a report evaluating the effect that the ready availability
14 of slot machines as a morale, welfare, and recreation activ-
15 ity on United States military installations outside of the
16 United States has on members of the Armed Forces, their
17 dependents, and other persons who use such slot ma-
18 chines, the morale of military communities overseas, and
19 the personal financial stability of members of the Armed
20 Forces.

21 (b) MATTERS TO BE INCLUDED.—The Secretary
22 shall include in the report—

23 (1) an estimate of the number of persons who
24 used such slot machines during the preceding two
25 years and, of such persons, the percentage who were
26 enlisted members (shown both in the aggregate and

1 by pay grade), officers (shown both in the aggregate
2 and by pay grade), Department of Defense civilians,
3 other United States persons, and foreign nationals;

4 (2) to the extent feasible, information with re-
5 spect to military personnel referred to in paragraph
6 (1) showing the number (as a percentage and by pay
7 grade) who have—

8 (A) sought financial services counseling at
9 least partially due to the use of such slot ma-
10 chines;

11 (B) qualified for Government financial as-
12 sistance at least partially due to the use of such
13 slot machines; or

14 (C) had a personal check returned for in-
15 sufficient funds or received any other non-
16 payment notification from a creditor at least
17 partially due to the use of such slot machines;
18 and

19 (3) to the extent feasible, information with re-
20 spect to the average amount expended by each cat-
21 egory of persons referred to in paragraph (1) in
22 using such slot machines per visit, to be shown by
23 pay grade in the case of military personnel.

1 **Subtitle D—Department of Defense**
2 **Industrial Facilities**

3 **SEC. 341. DESIGNATION OF CENTERS OF INDUSTRIAL AND**
4 **TECHNICAL EXCELLENCE AND PUBLIC-PRI-**
5 **VATE PARTNERSHIPS TO INCREASE UTILIZA-**
6 **TION OF SUCH CENTERS.**

7 (a) DESIGNATION METHOD.—Subsection (a) of sec-
8 tion 2474 of title 10, United States Code, is amended—

9 (1) in paragraph (1)—

10 (A) by striking “The Secretary of De-
11 fense” and inserting “The Secretary concerned,
12 or the Secretary of Defense in the case of a De-
13 fense Agency,”; and

14 (B) by striking “of the activity” and in-
15 serting “of the designee”;

16 (2) in paragraph (2)—

17 (A) by inserting “of Defense” after “The
18 Secretary”; and

19 (B) by striking “depot-level activities” and
20 inserting “Centers of Industrial and Technical
21 Excellence”; and

22 (3) in paragraph (3)—

23 (A) by striking “depot-level operations”
24 and inserting “operations at Centers of Indus-
25 trial and Technical Excellence”;

1 (B) by striking “depot-level activities” and
2 inserting “the Centers”; and

3 (C) by striking “such activities” and in-
4 serting “the Centers”.

5 (b) PUBLIC-PRIVATE PARTNERSHIPS.—Subsection
6 (b) of such section is amended to read as follows:

7 “(b) PUBLIC-PRIVATE PARTNERSHIPS.—(1) To
8 achieve one or more objectives set forth in paragraph (2),
9 the Secretary designating a Center of Industrial and Tech-
10 nical Excellence under subsection (a) may authorize and
11 encourage the head of the Center to enter into public-pri-
12 vate cooperative arrangements (in this section referred to
13 as a ‘public-private partnership’) to provide for any of the
14 following:

15 “(A) For employees of the Center, private in-
16 dustry, or other entities outside the Department of
17 Defense to perform (under contract, subcontract, or
18 otherwise) work related to the core competencies of
19 the Center, including any depot-level maintenance
20 and repair work that involves one or more core com-
21 petencies of the Center.

22 “(B) For private industry or other entities out-
23 side the Department of Defense to use, for any pe-
24 riod of time determined to be consistent with the
25 needs of the Department of Defense, any facilities or

1 equipment of the Center that are not fully utilized
2 for a military department's own production or main-
3 tenance requirements.

4 “(2) The objectives for exercising the authority pro-
5 vided in paragraph (1) are as follows:

6 “(A) To maximize the utilization of the capacity
7 of a Center of Industrial and Technical Excellence.

8 “(B) To reduce or eliminate the cost of owner-
9 ship of a Center by the Department of Defense in
10 such areas of responsibility as operations and main-
11 tenance and environmental remediation.

12 “(C) To reduce the cost of products of the De-
13 partment of Defense produced or maintained at a
14 Center.

15 “(D) To leverage private sector investment in—

16 “(i) such efforts as plant and equipment
17 recapitalization for a Center; and

18 “(ii) the promotion of the undertaking of
19 commercial business ventures at a Center.

20 “(E) To foster cooperation between the armed
21 forces and private industry.

22 “(3) If the Secretary concerned, or the Secretary of
23 Defense in the case of a Defense Agency, authorizes the
24 use of public-private partnerships under this subsection,
25 the Secretary shall submit to Congress a report evaluating

1 the need for loan guarantee authority, similar to the
2 ARMS Initiative loan guarantee program under section
3 4555 of this title, to facilitate the establishment of public-
4 private partnerships and the achievement of the objectives
5 set forth in paragraph (2).”.

6 (c) PRIVATE SECTOR USE OF EXCESS CAPACITY.—

7 Such section is further amended—

8 (1) by striking subsection (d);

9 (2) by redesignating subsection (c) as sub-
10 section (d); and

11 (3) by inserting after subsection (b) the fol-
12 lowing new subsection (c):

13 “(c) PRIVATE SECTOR USE OF EXCESS CAPACITY.—

14 Any facilities or equipment of a Center of Industrial and
15 Technical Excellence made available to private industry
16 may be used to perform maintenance or to produce goods
17 in order to make more efficient and economical use of Gov-
18 ernment-owned industrial plants and encourage the cre-
19 ation and preservation of jobs to ensure the availability
20 of a workforce with the necessary manufacturing and
21 maintenance skills to meet the needs of the armed
22 forces.”.

23 (d) CREDITING OF AMOUNTS FOR PERFORMANCE.—

24 Subsection (d) of such section, as redesignated by sub-
25 section (c)(2), is amended by adding at the end the fol-

1 lowing new sentences: “Consideration in the form of rental
 2 payments or (notwithstanding section 3302(b) of title 31)
 3 in other forms may be accepted for a use of property ac-
 4 countable under a contract performed pursuant to this
 5 section. Notwithstanding section 2667(d) of this title, rev-
 6 enues generated pursuant to this section shall be available
 7 for facility operations, maintenance, and environmental
 8 restoration at the Center where the leased property is lo-
 9 cated.”.

10 (e) AVAILABILITY OF EXCESS EQUIPMENT TO PRI-
 11 VATE-SECTOR PARTNERS.—Such section is further
 12 amended by adding at the end the following new sub-
 13 sections:

14 “(e) AVAILABILITY OF EXCESS EQUIPMENT TO PRI-
 15 VATE-SECTOR PARTNERS.—Equipment or facilities of a
 16 Center of Industrial and Technical Excellence may be
 17 made available for use by a private-sector entity under this
 18 section only if—

19 “(1) the use of the equipment or facilities will
 20 not have a significant adverse effect on the readiness
 21 of the armed forces, as determined by the Secretary
 22 concerned or, in the case of a Center in a Defense
 23 Agency, by the Secretary of Defense; and

24 “(2) the private-sector entity agrees—

1 “(A) to reimburse the Department of De-
2 fense for the direct and indirect costs (including
3 any rental costs) that are attributable to the
4 entity’s use of the equipment or facilities, as de-
5 termined by that Secretary; and

6 “(B) to hold harmless and indemnify the
7 United States from—

8 “(i) any claim for damages or injury
9 to any person or property arising out of
10 the use of the equipment or facilities, ex-
11 cept in a case of willful conduct or gross
12 negligence; and

13 “(ii) any liability or claim for damages
14 or injury to any person or property arising
15 out of a decision by the Secretary con-
16 cerned or the Secretary of Defense to sus-
17 pend or terminate that use of equipment or
18 facilities during a war or national emer-
19 gency.

20 “(f) CONSTRUCTION OF PROVISION.—Nothing in this
21 section may be construed to authorize a change, otherwise
22 prohibited by law, from the performance of work at a Cen-
23 ter of Industrial and Technical Excellence by Department
24 of Defense personnel to performance by a contractor.”.

1 (f) USE OF WORKING CAPITAL-FUNDED FACILI-
 2 TIES.—Section 2208(j)(1) of title 10, United States Code,
 3 is amended—

4 (1) by striking “contract; and” at the end of
 5 subparagraph (A) and all that follows through “(B)
 6 the solicitation” and inserting “contract, and the so-
 7 licitation”;

8 (2) by striking the period at the end and insert-
 9 ing “; or”; and

10 (3) by adding at the end the following new sub-
 11 paragraph:

12 “(B) the Secretary would advance the objectives
 13 set forth in section 2474(b)(2) of this title by au-
 14 thorizing the facility to do so.”.

15 (g) REPEAL OF GENERAL AUTHORITY TO LEASE
 16 EXCESS DEPOT-LEVEL EQUIPMENT AND FACILITIES TO
 17 OUTSIDE TENANTS.—(1) Section 2471 of title 10, United
 18 States Code, is repealed.

19 (2) The table of sections at the beginning of chapter
 20 146 of such title is amended by striking the item relating
 21 to section 2471.

22 **SEC. 342. UNUTILIZED AND UNDERUTILIZED PLANT-CAPAC-**
 23 **ITY COSTS OF UNITED STATES ARSENALS.**

24 (a) TREATMENT OF UNUTILIZED AND UNDERUTI-
 25 LIZED PLANT-CAPACITY COSTS.—Chapter 433 of title 10,

1 United States Code, is amended by inserting after section
2 4540 the following new section:

3 **“§ 4541. Army arsenals: treatment of unutilized or un-**
4 **derutilized plant-capacity costs**

5 “(a) ESTIMATE OF COSTS.—The Secretary of the
6 Army shall include in the budget justification documents
7 submitted to Congress in support of the President’s budg-
8 et for a fiscal year submitted under section 1105 of title
9 31 an estimate of the funds to be required in that fiscal
10 year to cover unutilized and underutilized plant-capacity
11 costs at Army arsenals.

12 “(b) USE OF FUNDS.—Funds appropriated to the
13 Secretary of the Army for a fiscal year to cover unutilized
14 and underutilized plant-capacity costs at Army arsenals
15 shall be used in such fiscal year only for such costs.

16 “(c) TREATMENT OF COSTS.—(1) The Secretary of
17 the Army shall not include unutilized and underutilized
18 plant-capacity costs when evaluating the bid of an Army
19 arsenal for purposes of the arsenal’s contracting to provide
20 a good or service to a Government agency.

21 “(2) When an Army arsenal is serving as a subcon-
22 tractor to a private-sector entity with respect to a good
23 or service to be provided to a Government agency, the cost
24 charged by the arsenal shall not include unutilized and

1 underutilized plant-capacity costs that are funded by a di-
 2 rect appropriation.

3 “(d) DEFINITIONS.—In this section:

4 “(1) The term ‘Army arsenal’ means a Govern-
 5 ment-owned, Government-operated defense plant of
 6 the Department of the Army that manufactures
 7 weapons, weapon components, or both.

8 “(2) The term ‘unused and underutilized
 9 plant-capacity costs’ means the costs associated with
 10 operating and maintaining the facilities and equip-
 11 ment of an Army arsenal that the Secretary of the
 12 Army determines are required to be kept for mobili-
 13 zation needs, in those months in which the facilities
 14 and equipment are not used or are used only 20 per-
 15 cent or less of available work days.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of such chapter is amended by inserting
 18 after the item relating to section 4540 the following new
 19 item:

“4541. Army arsenals: treatment of unused or underutilized plant-capacity
 costs.”.

20 **SEC. 343. ARSENAL SUPPORT PROGRAM INITIATIVE.**

21 (a) DEMONSTRATION PROGRAM REQUIRED.—To help
 22 maintain the viability of the Army manufacturing arsenals
 23 and the unique capabilities of these arsenals to support
 24 the national security interests of the United States, the

1 Secretary of the Army shall carry out a demonstration
2 program under this section during fiscal years 2001 and
3 2002 at each manufacturing arsenal of the Department
4 of the Army.

5 (b) PURPOSES OF DEMONSTRATION PROGRAM.—The
6 purposes of the demonstration program are as follows:

7 (1) To provide for the utilization of the existing
8 skilled workforce at the Army manufacturing arse-
9 nals by commercial firms.

10 (2) To provide for the reemployment and re-
11 training of skilled workers who, as a result of declin-
12 ing workload and reduced Army spending on arsenal
13 production requirements at these Army arsenals, are
14 idled or underemployed.

15 (3) To encourage commercial firms, to the max-
16 imum extent practicable, to use these Army arsenals
17 for commercial purposes.

18 (4) To increase the opportunities for small busi-
19 nesses (including socially and economically disadvan-
20 tagged small business concerns and new small busi-
21 nesses) to use these Army arsenals for those pur-
22 poses.

23 (5) To maintain in the United States a work
24 force having the skills in manufacturing processes

1 that are necessary to meet industrial emergency
2 planned requirements for national security purposes.

3 (6) To demonstrate innovative business prac-
4 tices, to support Department of Defense acquisition
5 reform, and to serve as both a model and a labora-
6 tory for future defense conversion initiatives of the
7 Department of Defense.

8 (7) To the maximum extent practicable, to
9 allow the operation of these Army arsenals to be
10 rapidly responsive to the forces of free market com-
11 petition.

12 (8) To reduce or eliminate the cost of Govern-
13 ment ownership of these Army arsenals, including
14 the costs of operations and maintenance, the costs of
15 environmental remediation, and other costs.

16 (9) To reduce the cost of products of the De-
17 partment of Defense produced at these Army arse-
18 nals.

19 (10) To leverage private investment at these
20 Army arsenals through long-term facility use con-
21 tracts, property management contracts, leases, or
22 other agreements that support and advance the dem-
23 onstration program for the following activities:

24 (A) Recapitalization of plant and equip-
25 ment.

1 (B) Environmental remediation.

2 (C) Promotion of commercial business ven-
3 tures.

4 (D) Other activities approved by the Sec-
5 retary of the Army.

6 (11) To foster cooperation between the Depart-
7 ment of the Army, property managers, commercial
8 interests, and State and local agencies in the imple-
9 mentation of sustainable development strategies and
10 investment in these Army arsenals.

11 (c) CONTRACT AUTHORITY.—(1) In the case of each
12 Army manufacturing arsenal, the Secretary of the Army
13 may enter into contracts with commercial firms to author-
14 ize the contractors, consistent with section 4543 of title
15 10, United States Code—

16 (A) to use the arsenal, or a portion of the arse-
17 nal, and the skilled workforce at the arsenal to man-
18 ufacture weapons, weapon components, or related
19 products consistent with the purposes of the pro-
20 gram; and

21 (B) to enter into subcontracts for the commer-
22 cial use of the arsenal consistent with such purposes.

23 (2) A contract under paragraph (1) shall require the
24 contractor to contribute toward the operation and mainte-

1 nance of the Army manufacturing arsenal covered by the
2 contract.

3 (3) In the event an Army manufacturing arsenal is
4 converted to contractor operation, the Secretary may enter
5 into a contract with the contractor to authorize the con-
6 tractor, consistent with section 4543 of title 10, United
7 States Code—

8 (A) to use the facility during the period of the
9 program in a manner consistent with the purposes
10 of the program; and

11 (B) to enter into subcontracts for the commer-
12 cial use of the facility consistent with such purposes.

13 (d) LOAN GUARANTEES.—(1) Subject to paragraph
14 (2), the Secretary of the Army may guarantee the repay-
15 ment of any loan made to a commercial firm to fund, in
16 whole or in part, the establishment of a commercial activ-
17 ity at an Army manufacturing arsenal under this section.

18 (2) Loan guarantees under this subsection may not
19 be committed except to the extent that appropriations of
20 budget authority to cover their costs are made in advance,
21 as required by section 504 of the Federal Credit Reform
22 Act of 1990 (2 U.S.C. 661c).

23 (3) The Secretary of the Army may enter into agree-
24 ments with the Administrator of the Small Business Ad-
25 ministration or the Administrator of the Farmers Home

1 Administration, the Administrator of the Rural Develop-
2 ment Administration, or the head of other appropriate
3 agencies of the Department of Agriculture, under which
4 such Administrators may, under this subsection—

5 (A) process applications for loan guarantees;

6 (B) guarantee repayment of loans; and

7 (C) provide any other services to the Secretary
8 of the Army to administer this subsection.

9 (4) An Administrator referred to in paragraph (3)
10 may guarantee loans under this section to commercial
11 firms of any size, notwithstanding any limitations on the
12 size of applicants imposed on other loan guarantee pro-
13 grams that the Administrator administers. To the extent
14 practicable, each Administrator shall use the same proce-
15 dures for processing loan guarantee applications under
16 this subsection as the Administrator uses for processing
17 loan guarantee applications under other loan guarantee
18 programs that the Administrator administers.

19 (e) LOAN LIMITS.—The maximum amount of loan
20 principal guaranteed during a fiscal year under subsection
21 (d) may not exceed—

22 (1) \$20,000,000, with respect to any single bor-
23 rower; and

24 (2) \$320,000,000 with respect to all borrowers.

1 (f) TRANSFER OF FUNDS.—The Secretary of the
2 Army may transfer to an Administrator providing services
3 under subsection (d), and the Administrator may accept,
4 such funds as may be necessary to administer loan guar-
5 antees under such subsection.

6 (g) REPORTING REQUIREMENTS.—(1) Not later than
7 July 1 of each year in which a guarantee issued under
8 subsection (d) is in effect, the Secretary of the Army shall
9 submit to Congress a report specifying the amounts of
10 loans guaranteed under such subsection during the pre-
11 ceding calendar year. No report is required after fiscal
12 year 2002.

13 (2) Not later than July 1, 2001, the Secretary of the
14 Army shall submit to the congressional defense commit-
15 tees a report on the implementation of the demonstration
16 program. The report shall contain a comprehensive review
17 of contracting at the Army manufacturing arsenals cov-
18 ered by the program and such recommendations as the
19 Secretary considers appropriate regarding changes to the
20 program.

1 **SEC. 344. CODIFICATION AND IMPROVEMENT OF ARMA-**
 2 **MENT RETOOLING AND MANUFACTURING**
 3 **SUPPORT PROGRAMS.**

4 (a) IN GENERAL.—(1) Part IV of subtitle B of title
 5 10, United States Code, is amended by inserting after
 6 chapter 433 the following new chapter:

“CHAPTER 434—ARMAMENTS INDUSTRIAL BASE

“Sec.

“4551. Definitions.

“4552. Policy.

“4553. Armament Retooling and Manufacturing Support Initiative.

“4554. Property management contracts and leases.

“4555. ARMS Initiative loan guarantee program.

7 **“§ 4551. Definitions**

8 “In this chapter:

9 “(1) The term ‘ARMS Initiative’ means the Ar-
 10 mament Retooling and Manufacturing Support Ini-
 11 tiative authorized by this chapter.

12 “(2) The term ‘eligible facility’ means a Gov-
 13 ernment-owned, contractor-operated ammunition
 14 manufacturing facility of the Department of the
 15 Army that is in an active, inactive, layaway, or care-
 16 taker status.

17 “(3) The term ‘property manager’ includes any
 18 person or entity managing an eligible facility made
 19 available under the ARMS Initiative through a prop-
 20 erty management contract.

21 “(4) The term ‘property management contract’
 22 includes facility use contracts, site management con-

1 tracts, leases, and other agreements entered into
2 under the authority of this chapter.

3 “(5) The term ‘Secretary’ means the Secretary
4 of the Army.

5 **“§ 4552. Policy**

6 “It is the policy of the United States—

7 “(1) to encourage, to the maximum extent prac-
8 ticable, commercial firms to use Government-owned,
9 contractor-operated ammunition manufacturing fa-
10 cilities of the Department of the Army;

11 “(2) to use such facilities for supporting pro-
12 grams, projects, policies, and initiatives that pro-
13 mote competition in the private sector of the United
14 States economy and that advance United States in-
15 terests in the global marketplace;

16 “(3) to increase the manufacture of products
17 inside the United States;

18 “(4) to support policies and programs that pro-
19 vide manufacturers with incentives to assist the
20 United States in making more efficient and economi-
21 cal use of eligible facilities for commercial purposes;

22 “(5) to provide, as appropriate, small busi-
23 nesses (including socially and economically disadvan-
24 taged small business concerns and new small busi-
25 nesses) with incentives that encourage those busi-

1 nesses to undertake manufacturing and other indus-
2 trial processing activities that contribute to the pros-
3 perity of the United States;

4 “(6) to encourage the creation of jobs through
5 increased investment in the private sector of the
6 United States economy;

7 “(7) to foster a more efficient, cost-effective,
8 and adaptable armaments industry in the United
9 States;

10 “(8) to achieve, with respect to armaments
11 manufacturing capacity, an optimum level of readi-
12 ness of the national technology and industrial base
13 within the United States that is consistent with the
14 projected threats to the national security of the
15 United States and the projected emergency require-
16 ments of the armed forces; and

17 “(9) to encourage facility use contracting where
18 feasible.

19 **“§ 4553. Armament Retooling and Manufacturing**
20 **Support Initiative**

21 “(a) **AUTHORITY FOR INITIATIVE.**—The Secretary
22 may carry out a program to be known as the ‘Armament
23 Retooling and Manufacturing Support Initiative’.

24 “(b) **PURPOSES.**—The purposes of the ARMS Initia-
25 tive are as follows:

1 “(1) To encourage commercial firms, to the
2 maximum extent practicable, to use eligible facilities
3 for commercial purposes.

4 “(2) To increase the opportunities for small
5 businesses (including socially and economically dis-
6 advantaged small business concerns and new small
7 businesses) to use eligible facilities for those pur-
8 poses.

9 “(3) To maintain in the United States a work
10 force having the skills in manufacturing processes
11 that are necessary to meet industrial emergency
12 planned requirements for national security purposes.

13 “(4) To demonstrate innovative business prac-
14 tices, to support Department of Defense acquisition
15 reform, and to serve as both a model and a labora-
16 tory for future defense conversion initiatives of the
17 Department of Defense.

18 “(5) To the maximum extent practicable, to
19 allow the operation of eligible facilities to be rapidly
20 responsive to the forces of free market competition.

21 “(6) To reduce or eliminate the cost of Govern-
22 ment ownership of eligible facilities, including the
23 costs of operations and maintenance, the costs of en-
24 vironmental remediation, and other costs.

1 “(7) To reduce the cost of products of the De-
2 partment of Defense produced at eligible facilities.

3 “(8) To leverage private investment at eligible
4 facilities through long-term facility use contracts,
5 property management contracts, leases, or other
6 agreements that support and advance the policies
7 and purposes of this chapter, for the following activi-
8 ties:

9 “(A) Recapitalization of plant and equip-
10 ment.

11 “(B) Environmental remediation.

12 “(C) Promotion of commercial business
13 ventures.

14 “(D) Other activities approved by the Sec-
15 retary.

16 “(9) To foster cooperation between the Depart-
17 ment of the Army, property managers, commercial
18 interests, and State and local agencies in the imple-
19 mentation of sustainable development strategies and
20 investment in eligible facilities made available for
21 purposes of the ARMS Initiative.

22 “(10) To reduce or eliminate the cost of asset
23 disposal that would be incurred if property at an eli-
24 gible facility was declared excess to the needs of the
25 Department of the Army.

1 “(c) AVAILABILITY OF FACILITIES.—The Secretary
2 may make any eligible facility available for the purposes
3 of the ARMS Initiative.

4 “(d) CONSIDERATION FOR LEASES.—Section 321 of
5 the Act of June 30, 1932 (40 U.S.C. 303b), shall not
6 apply to uses of property or facilities in accordance with
7 the ARMS Initiative.

8 “(e) PROGRAM SUPPORT.—(1) Funds appropriated
9 for purposes of the ARMS Initiative may be used for ad-
10 ministrative support and management.

11 “(2) A full annual accounting of such expenses for
12 each fiscal year shall be provided to the Committee on
13 Armed Services and the Committee on Appropriations of
14 the Senate and the Committee on Armed Services and the
15 Committee on Appropriations of the House of Representa-
16 tives not later than March 30 of the following fiscal year.

17 **“§ 4554. Property management contracts and leases**

18 “(a) IN GENERAL.—In the case of each eligible facil-
19 ity that is made available for the ARMS Initiative, the
20 Secretary—

21 “(1) shall make full use of facility use con-
22 tracts, leases, and other such commercial contractual
23 instruments as may be appropriate;

24 “(2) shall evaluate, on the basis of efficiency,
25 cost, emergency mobilization requirements, and the

1 goals and purposes of the ARMS Initiative, the pro-
2 curement of services from the property manager, in-
3 cluding maintenance, operation, modification, infra-
4 structure, environmental restoration and remedi-
5 ation, and disposal of ammunition manufacturing
6 assets, and other services; and

7 “(3) may, in carrying out paragraphs (1) and
8 (2)—

9 “(A) enter into contracts, and provide for
10 subcontracts, for terms up to 25 years, as the
11 Secretary considers appropriate and consistent
12 with the needs of the Department of the Army
13 and the goals and purposes of the ARMS Initia-
14 tive; and

15 “(B) use procedures that are authorized to
16 be used under section 2304(c)(5) of this title
17 when the contractor or subcontractor is a
18 source specified in law.

19 “(b) CONSIDERATION FOR USE.—(1) To the extent
20 provided in a contract entered into under this section for
21 the use of property at an eligible facility that is account-
22 able under the contract, the Secretary may accept consid-
23 eration for such use that is, in whole or in part, in a form
24 other than—

25 “(A) rental payments; or

1 “(B) revenue generated at the facility.

2 “(2) Forms of consideration acceptable under para-
3 graph (1) for a use of an eligible facility or any property
4 at an eligible facility include the following:

5 “(A) The improvement, maintenance, protec-
6 tion, repair, and restoration of the facility, the prop-
7 erty, or any property within the boundaries of the
8 installation where the facility is located.

9 “(B) Reductions in overhead costs.

10 “(C) Reductions in product cost.

11 “(3) The authority under paragraph (1) may be exer-
12 cised without regard to section 3302(b) of title 31 and
13 any other provision of law.

14 **“§ 4555. ARMS Initiative loan guarantee program**

15 “(a) PROGRAM AUTHORIZED.—Subject to subsection
16 (b), the Secretary may carry out a loan guarantee pro-
17 gram to encourage commercial firms to use eligible facili-
18 ties under this chapter. Under any such program, the Sec-
19 retary may guarantee the repayment of any loan made to
20 a commercial firm to fund, in whole or in part, the estab-
21 lishment of a commercial activity to use an eligible facility
22 under this chapter.

23 “(b) ADVANCED BUDGET AUTHORITY.—Loan guar-
24 antees under this section may not be committed except
25 to the extent that appropriations of budget authority to

1 cover their costs are made in advance, as required by sec-
2 tion 504 of the Federal Credit Reform Act of 1990 (2
3 U.S.C. 661c).

4 “(c) PROGRAM ADMINISTRATION.—(1) The Secretary
5 may enter into an agreement with any of the officials
6 named in paragraph (2) under which that official may,
7 for the purposes of this section—

8 “(A) process applications for loan guarantees;

9 “(B) guarantee repayment of loans; and

10 “(C) provide any other services to the Secretary
11 to administer the loan guarantee program.

12 “(2) The officials referred to in paragraph (1) are
13 as follows:

14 “(A) The Administrator of the Small Business
15 Administration.

16 “(B) The head of any appropriate agency in the
17 Department of Agriculture, including—

18 “(i) the Administrator of the Farmers
19 Home Administration; and

20 “(ii) the Administrator of the Rural Devel-
21 opment Administration.

22 “(3) Each official authorized to do so under an agree-
23 ment entered into under paragraph (1) may guarantee
24 loans under this section to commercial firms of any size,
25 notwithstanding any limitations on the size of applicants

1 imposed on other loan guarantee programs that the offi-
 2 cial administers.

3 “(4) To the extent practicable, each official proc-
 4 essing loan guarantee applications under this section pur-
 5 suant to an agreement entered into under paragraph (1)
 6 shall use the same processing procedures as the official
 7 uses for processing loan guarantee applications under
 8 other loan guarantee programs that the official admin-
 9 isters.

10 “(d) LOAN LIMITS.—The maximum amount of loan
 11 principal guaranteed during a fiscal year under this sec-
 12 tion may not exceed—

13 “(1) \$20,000,000, with respect to any single
 14 borrower; and

15 “(2) \$320,000,000 with respect to all bor-
 16 rowers.

17 “(e) TRANSFER OF FUNDS.—The Secretary may
 18 transfer to an official providing services under subsection
 19 (c), and that official may accept, such funds as may be
 20 necessary to administer the loan guarantee program under
 21 this section.”.

22 (2) The tables of chapters at the beginning of subtitle
 23 B of such title and at the beginning of part IV of such
 24 subtitle are amended by inserting after the item relating
 25 to chapter 433 the following new item:

“434. Armaments Industrial Base 4551”.

1 (b) IMPLEMENTATION REPORT.—Not later than July
2 1, 2001, the Secretary of Defense shall submit to the con-
3 gressional defense committees a report on the procedures
4 and controls implemented to carry out section 4554 of title
5 10, United States Code, as added by subsection (a).

6 (c) RELATIONSHIP TO NATIONAL DEFENSE TECH-
7 NOLOGY AND INDUSTRIAL BASE.—(1) Subchapter IV of
8 chapter 148 of title 10, United States Code, is amended—

9 (A) by redesignating section 2525 as section
10 2521; and

11 (B) by adding at the end the following new sec-
12 tion:

13 **“§ 2522. Armament retooling and manufacturing**

14 “The Secretary of the Army is authorized by chapter
15 434 of this title to carry out programs for the support
16 of armaments retooling and manufacturing in the national
17 defense industrial and technology base.”.

18 (2) The table of sections at the beginning of such sub-
19 chapter is amended by striking the item relating to section
20 2525 and inserting the following new items:

“2521. Manufacturing Technology Program.

“2522. Armament retooling and manufacturing.”.

21 (d) REPEAL OF SUPERSEDED LAW.—The Armament
22 Retooling and Manufacturing Support Act of 1992 (sub-
23 title H of title I of Public Law 102–484; 10 U.S.C. 2501
24 note) is repealed.

1 **Subtitle E—Performance of Func-**
 2 **tions by Private-Sector Sources**

3 **SEC. 351. INCLUSION OF ADDITIONAL INFORMATION IN RE-**
 4 **PORTS TO CONGRESS REQUIRED BEFORE**
 5 **CONVERSION OF COMMERCIAL OR INDUS-**
 6 **TRIAL TYPE FUNCTIONS TO CONTRACTOR**
 7 **PERFORMANCE.**

8 (a) INFORMATION REQUIRED BEFORE COMMENCE-
 9 MENT OF CONVERSION ANALYSIS.—Subsection (b)(1)(D)
 10 of section 2461 of title 10, United States Code, is amend-
 11 ed by inserting before the period the following: “, and a
 12 specific identification of the budgetary line item from
 13 which funds will be used to cover the cost of the analysis”.

14 (b) INFORMATION REQUIRED IN NOTIFICATION OF
 15 DECISION.—Subsection (c)(1) of such section is
 16 amended—

17 (1) by redesignating subparagraphs (A), (B),
 18 (C), (D), and (E) as subparagraphs (B), (C), (F),
 19 (H), and (I), respectively;

20 (2) by inserting before subparagraph (B), as so
 21 redesignated, the following new subparagraph:

22 “(A) The date when the analysis of that com-
 23 mercial or industrial type function for possible
 24 change to performance by the private sector was
 25 commenced.”;

1 (3) by inserting after subparagraph (C), as so
2 redesignated, the following new subparagraphs:

3 “(D) The number of Department of Defense ci-
4 vilian employees who were performing the function
5 when the analysis was commenced, the number of
6 such employees whose employment was terminated
7 or otherwise affected in implementing the most effi-
8 cient organization of the function, and the number
9 of such employees whose employment would be ter-
10 minated or otherwise affected by changing to per-
11 formance of the function by the private sector.

12 “(E) The Secretary’s certification that the fac-
13 tors considered in the examinations performed under
14 subsection (b)(3), and in the making of the decision
15 to change performance, did not include any predeter-
16 mined personnel constraint or limitation in terms of
17 man years, end strength, full-time equivalent posi-
18 tions, or maximum number of employees.”; and

19 (4) by inserting after subparagraph (F), as so
20 redesignated, the following new subparagraph:

21 “(G) A statement of the potential economic ef-
22 fect of the change on each affected local community,
23 as determined in the examination under subsection
24 (b)(3)(B)(ii).”.

1 **SEC. 352. EFFECTS OF OUTSOURCING ON OVERHEAD**
2 **COSTS OF CENTERS OF INDUSTRIAL AND**
3 **TECHNICAL EXCELLENCE AND ARMY AMMU-**
4 **NITION PLANTS.**

5 Section 2461(c) of title 10, United States Code, is
6 amended—

7 (1) by redesignating paragraph (2) as para-
8 graph (3); and

9 (2) by inserting after paragraph (1) the fol-
10 lowing new paragraph:

11 “(2) If the commercial or industrial type function to
12 be changed to performance by the private sector is per-
13 formed at a Center of Industrial and Technical Excellence
14 designated under section 2474(a) of this title or an Army
15 ammunition plant—

16 “(A) the report required by this subsection shall
17 also include a description of the effect that the per-
18 formance and administration of the resulting con-
19 tract will have on the overhead costs of the center
20 or ammunition plant, as the case may be; and

21 “(B) notwithstanding paragraph (3), the
22 change of the function to contractor performance
23 may not begin until at least 60 days after the sub-
24 mission of the report.”.

1 **SEC. 353. CONSOLIDATION, RESTRUCTURING, OR RE-**
2 **ENGINEERING OF DEPARTMENT OF DEFENSE**
3 **ORGANIZATIONS, FUNCTIONS, OR ACTIVI-**
4 **TIES.**

5 (a) IN GENERAL.—Chapter 146 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 2475. Consolidation, restructuring, or re-**
9 **engineering of organizations, functions,**
10 **or activities: notification requirements**

11 “(a) REQUIREMENT TO SUBMIT PLAN ANNUALLY.—
12 Concurrently with the submission of the President’s an-
13 nual budget request under section 1105 of title 31, the
14 Secretary of Defense shall submit to Congress each Stra-
15 tegic Sourcing Plan of Action for the Department of De-
16 fense (as identified in the Department of Defense Interim
17 Guidance dated February 29, 2000, or any successor De-
18 partment of Defense guidance or directive), for the fol-
19 lowing year.

20 “(b) NOTIFICATION OF DECISION TO EXECUTE
21 PLAN.—If a decision is made to consolidate, restructure,
22 or reengineer an organization, function, or activity of the
23 Department of Defense pursuant to a Strategic Sourcing
24 Plan of Action described in subsection (a), and such con-
25 solidation, restructuring, or reengineering would result in
26 a manpower reduction affecting 50 or more personnel of

1 the Department of Defense (including military and civilian
2 personnel)—

3 “(1) the Secretary of Defense shall submit to
4 the Committees on Armed Services of the Senate
5 and the House of Representatives a report describ-
6 ing that decision, including—

7 “(A) a projection of the savings that will
8 be realized as a result of the consolidation, re-
9 structuring, or reengineering, compared with
10 the cost incurred by the Department of Defense
11 to perform the function or to operate the orga-
12 nization or activity prior to such proposed con-
13 solidation, restructuring, or reengineering;

14 “(B) a description of all missions, duties,
15 or military requirements that will be affected as
16 a result of the decision to consolidate, restruc-
17 ture, or reengineer the organization, function,
18 or activity that was analyzed;

19 “(C) the Secretary’s certification that the
20 consolidation, restructuring, or reengineering
21 will not result in any diminution of military
22 readiness;

23 “(D) a schedule for performing the consoli-
24 dation, restructuring, or reengineering; and

1 “(E) the Secretary’s certification that the
 2 entire analysis for the consolidation, restruc-
 3 turing, or reengineering is available for exam-
 4 ination; and

5 “(2) the head of the Defense Agency or the
 6 Secretary of the military department concerned may
 7 not implement the plan until 30 days after the date
 8 that the agency head or Secretary submits notifica-
 9 tion to the Committees on Armed Services of the
 10 Senate and House of Representatives of the intent
 11 to carry out such plan.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 at the beginning of such chapter is amended by adding
 14 at the end the following new item:

 “2475. Consolidation, restructuring, or reengineering of organizations, functions,
 or activities: notification requirements.”.

15 **SEC. 354. MONITORING OF SAVINGS RESULTING FROM**
 16 **WORKFORCE REDUCTIONS AS PART OF CON-**
 17 **VERSION OF FUNCTIONS TO PERFORMANCE**
 18 **BY PRIVATE SECTOR OR OTHER STRATEGIC**
 19 **SOURCING INITIATIVES.**

20 (a) REQUIREMENT FOR A MONITORING SYSTEM.—
 21 Chapter 146 of title 10, United States Code, is amended
 22 by inserting after section 2461 the following new section:

1 **“§ 2461a. Development of system for monitoring cost**
2 **savings resulting from workforce reduc-**
3 **tions**

4 “(a) WORKFORCE REVIEW DEFINED.—In this sec-
5 tion, the term ‘workforce review’, with respect to a func-
6 tion of the Department of Defense performed by Depart-
7 ment of Defense civilian employees, means a review con-
8 ducted under Office of Management and Budget Circular
9 A–76 (or any successor administrative regulation or pol-
10 icy), the Strategic Sourcing Program Plan of Action (or
11 any successor Department of Defense guidance or direc-
12 tive), or any other authority to determine whether the
13 function—

14 “(1) should be performed by a workforce com-
15 posed of Department of Defense civilian employees
16 or by a private sector workforce; or

17 “(2) should be reorganized or otherwise reengi-
18 neered to improve the efficiency or effectiveness of
19 the performance of the function, with a resulting de-
20 crease in the number of Department of Defense ci-
21 vilian employees performing the function.

22 “(b) SYSTEM FOR MONITORING PERFORMANCE.—(1)
23 The Secretary of Defense shall establish a system for mon-
24 itoring the performance, including the cost of perform-
25 ance, of each function of the Department of Defense that,

1 after the date of the enactment of this section, is the sub-
2 ject of a workforce review.

3 “(2) The monitoring system shall be designed to com-
4 pare the following:

5 “(A) The costs to perform a function before the
6 workforce review to the costs actually incurred to
7 perform the function after implementing the conver-
8 sion, reorganization, or reengineering actions rec-
9 ommended by the workforce review.

10 “(B) The anticipated savings to the actual sav-
11 ings, if any, resulting from conversion, reorganiza-
12 tion, or reengineering actions undertaken in re-
13 sponse to the workforce review.

14 “(3) The monitoring of a function shall continue
15 under this section for at least five years after the conver-
16 sion, reorganization, or reengineering of the function.

17 “(c) WAIVER FOR CERTAIN WORKFORCE RE-
18 VIEWS.—Subsection (b) shall not apply to a workforce re-
19 view that would result in a manpower reduction affecting
20 fewer than 50 Department of Defense civilian employees.

21 “(d) ANNUAL REPORT.—Not later than February 1
22 of each fiscal year, the Secretary of Defense shall submit
23 to Congress a report on the results of the monitoring per-
24 formed under the system established under subsection (b).

1 For each function subject to monitoring during the pre-
2 vious fiscal year, the report shall indicate the following:

3 “(1) The cost of the workforce review.

4 “(2) The cost of performing the function before
5 the workforce review compared to the costs incurred
6 after implementing the conversion, reorganization, or
7 reengineering actions recommended by the workforce
8 review.

9 “(3) The actual savings derived from the imple-
10 mentation of the recommendations of the workforce
11 review, if any, compared to the anticipated savings
12 that were to result from the conversion, reorganiza-
13 tion, or reengineering actions.

14 “(e) CONSIDERATION IN PREPARATION OF FUTURE-
15 YEARS DEFENSE PROGRAM.—In preparing the future-
16 years defense program under section 221 of this title, the
17 Secretary of Defense shall, for the fiscal years covered by
18 the program, estimate and take into account the costs to
19 be incurred and the savings to be derived from the per-
20 formance of functions by workforces selected in workforce
21 reviews. The Secretary shall consider the results of the
22 monitoring under this section in making the estimates.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of such chapter is amended by inserting

1 after the item relating to section 2461 the following new
 2 item:

“2461a. Development of system for monitoring cost savings resulting from work-
 force reductions.”.

3 **SEC. 355. PERFORMANCE OF EMERGENCY RESPONSE**
 4 **FUNCTIONS AT CHEMICAL WEAPONS STOR-**
 5 **AGE INSTALLATIONS.**

6 (a) RESTRICTION ON CONVERSION.—The Secretary
 7 of the Army may not convert to contractor performance
 8 the emergency response functions of any chemical weapons
 9 storage installation that, as of the date of the enactment
 10 of this Act, are performed for that installation by employ-
 11 ees of the United States until the certification required
 12 by subsection (c) has been submitted in accordance with
 13 that subsection.

14 (b) COVERED INSTALLATIONS.—For the purposes of
 15 this section, a chemical weapons storage installation is any
 16 installation of the Department of Defense on which lethal
 17 chemical agents or munitions are stored.

18 (c) CERTIFICATION REQUIREMENT.—The Secretary
 19 of the Army shall certify in writing to the Committee on
 20 Armed Services of the Senate and the Committee on
 21 Armed Services of the House of Representatives that, to
 22 ensure that there will be no lapse of capability to perform
 23 the chemical weapon emergency response mission at a
 24 chemical weapons storage installation during any transi-

1 tion to contractor performance of those functions at the
2 installation, the plan for conversion of the performance of
3 those functions—

4 (1) is consistent with the recommendation con-
5 tained in General Accounting Office Report NSIAD-
6 00-88, entitled “DoD Competitive Sourcing”, dated
7 March 2000;

8 (2) provides for a transition to contractor per-
9 formance of emergency response functions which en-
10 sures an adequate transfer of the relevant knowledge
11 and expertise regarding chemical weapon emergency
12 response to the contractor personnel; and

13 (3) complies with section 2465 of title 10,
14 United States Code.

15 **SEC. 356. SUSPENSION OF REORGANIZATION OR RELOCA-**
16 **TION OF NAVAL AUDIT SERVICE.**

17 (a) SUSPENSION.—During the period specified in
18 subsection (b), the Secretary of the Navy may not com-
19 mence or continue any consolidation, involuntary transfer,
20 buy-out, or other reduction in force of the workforce of
21 auditors and administrative support personnel of the
22 Naval Audit Service if the consolidation, involuntary
23 transfer, buy-out, or other reduction in force is associated
24 with the reorganization or relocation of the performance
25 of the auditing functions of the Naval Audit Service.

1 (b) DURATION.—Subsection (a) applies during the
 2 period beginning on the date of the enactment of this Act
 3 and ending 180 days after the date on which the Secretary
 4 submits to the congressional defense committees a report
 5 that sets forth in detail the Navy’s plans and justification
 6 for the reorganization or relocation of the performance of
 7 the auditing functions of the Naval Audit Service, as the
 8 case may be.

9 **Subtitle F—Defense Dependents** 10 **Education**

11 **SEC. 361. ELIGIBILITY OF DEPENDENTS OF AMERICAN RED** 12 **CROSS EMPLOYEES FOR ENROLLMENT IN DE-** 13 **PARTMENT OF DEFENSE DOMESTIC DEPEND-** 14 **ENT SCHOOLS IN PUERTO RICO.**

15 Section 2164 of title 10, United States Code, is
 16 amended by adding at the end the following new sub-
 17 section:

18 “(i) AMERICAN RED CROSS EMPLOYEE DEPEND-
 19 ENTS IN PUERTO RICO.—(1) The Secretary may authorize
 20 the dependent of an American Red Cross employee de-
 21 scribed in paragraph (2) to enroll in an education program
 22 provided by the Secretary pursuant to subsection (a) in
 23 Puerto Rico if the American Red Cross agrees to reim-
 24 burse the Secretary for the educational services so pro-
 25 vided.

1 “(2) An employee referred to in paragraph (1) is an
2 American Red Cross employee who—

3 “(A) resides in Puerto Rico; and

4 “(B) performs, on a full-time basis, emergency
5 services on behalf of members of the armed forces.

6 “(3) In determining the dependency status of any
7 person for the purposes of paragraph (1), the Secretary
8 shall apply the same definitions as apply to the determina-
9 tion of such status with respect to Federal employees in
10 the administration of this section.

11 “(4) Subsection (g) shall apply with respect to deter-
12 mining the reimbursement rates for educational services
13 provided pursuant to this subsection. Amounts received as
14 reimbursement for such educational services shall be treat-
15 ed in the same manner as amounts received under sub-
16 section (g).”.

17 **SEC. 362. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
18 **THAT BENEFIT DEPENDENTS OF MEMBERS**
19 **OF THE ARMED FORCES AND DEPARTMENT**
20 **OF DEFENSE CIVILIAN EMPLOYEES.**

21 (a) CONTINUATION OF DEPARTMENT OF DEFENSE
22 PROGRAM FOR FISCAL YEAR 2001.—Of the amount au-
23 thorized to be appropriated by section 301(5) for oper-
24 ation and maintenance for Defense-wide activities,
25 \$35,000,000 shall be available only for the purpose of pro-

1 viding educational agencies assistance (as defined in sub-
2 section (d)(1)) to local educational agencies.

3 (b) NOTIFICATION.—Not later than June 30, 2001,
4 the Secretary of Defense shall notify each local edu-
5 cational agency that is eligible for educational agencies as-
6 sistance for fiscal year 2001 of—

7 (1) that agency’s eligibility for educational
8 agencies assistance; and

9 (2) the amount of the educational agencies as-
10 sistance for which that agency is eligible.

11 (c) DISBURSEMENT OF FUNDS.—The Secretary of
12 Defense shall disburse funds made available under sub-
13 section (a) not later than 30 days after the date on which
14 notification to the eligible local educational agencies is
15 provided pursuant to subsection (b).

16 (d) DEFINITIONS.—In this section:

17 (1) The term “educational agencies assistance”
18 means assistance authorized under section 386(b) of
19 the National Defense Authorization Act for Fiscal
20 Year 1993 (Public Law 102–484; 20 U.S.C. 7703
21 note).

22 (2) The term “local educational agency” has
23 the meaning given that term in section 8013(9) of
24 the Elementary and Secondary Education Act of
25 1965 (20 U.S.C. 7713(9)).

1 **SEC. 363. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
2 **ABILITIES.**

3 (a) PAYMENTS.—Subject to subsection (f), the Sec-
4 retary of Defense shall make a payment for fiscal years
5 after fiscal year 2001, to each local educational agency
6 eligible to receive a payment for a child described in sub-
7 paragraph (A)(ii), (B), (D)(i) or (D)(ii) of section
8 8003(a)(1) of the Elementary and Secondary Education
9 Act of 1965 (20 U.S.C. 7703(a)(1)) that serves two or
10 more such children with severe disabilities, for costs in-
11 curred in providing a free appropriate public education to
12 each such child.

13 (b) PAYMENT AMOUNT.—The amount of the pay-
14 ment under subsection (a) to a local educational agency
15 for a fiscal year for each child referred to in such sub-
16 section with a severe disability shall be—

17 (1) the payment made on behalf of the child
18 with a severe disability that is in excess of the aver-
19 age per pupil expenditure in the State in which the
20 local educational agency is located; less

21 (2) the sum of the funds received by the local
22 educational agency—

23 (A) from the State in which the child re-
24 sides to defray the educational and related serv-
25 ices for such child;

1 (B) under the Individuals with Disabilities
2 Education Act (20 U.S.C. 1400 et seq.) to de-
3 fray the educational and related services for
4 such child; and

5 (C) from any other source to defray the
6 costs of providing educational and related serv-
7 ices to the child which are received due to the
8 presence of a severe disabling condition of such
9 child.

10 (c) EXCLUSIONS.—No payment shall be made under
11 subsection (a) on behalf of a child with a severe disability
12 whose individual cost of educational and related services
13 does not exceed—

14 (1) five times the national or State average per
15 pupil expenditure (whichever is lower), for a child
16 who is provided educational and related services
17 under a program that is located outside the bound-
18 aries of the school district of the local educational
19 agency that pays for the free appropriate public edu-
20 cation of the student; or

21 (2) three times the State average per pupil ex-
22 penditure, for a child who is provided educational
23 and related services under a program offered by the
24 local educational agency, or within the boundaries of

1 the school district served by the local educational
2 agency.

3 (d) Ratable Reduction.—If the amount available
4 for a fiscal year for payments under subsection (a) is in-
5 sufficient to pay the full amount all local educational agen-
6 cies are eligible to receive under such subsection, the Sec-
7 retary of Defense shall ratably reduce the amounts of the
8 payments made under such subsection to all local edu-
9 cational agencies by an equal percentage.

10 (e) Report.—Each local educational agency desiring
11 a payment under subsection (a) shall report to the Sec-
12 retary of Defense—

13 (1) the number of severely disabled children for
14 which a payment may be made under this section;
15 and

16 (2) a breakdown of the average cost, by place-
17 ment (inside or outside the boundaries of the school
18 district of the local educational agency), of providing
19 education and related services to such children.

20 (f) Payments Subject to Appropriation.—Pay-
21 ments shall be made for any period in a fiscal year under
22 this section only to the extent that funds are appropriated
23 specifically for making such payments for that fiscal year.

24 (g) Local Educational Agency Defined.—In
25 this section, the term “local educational agency” has the

1 meaning given that term in section 8013(9) of the Ele-
2 mentary and Secondary Education Act of 1965 (20 U.S.C.
3 7713(9)).

4 **SEC. 364. ASSISTANCE FOR MAINTENANCE, REPAIR, AND**
5 **RENOVATION OF SCHOOL FACILITIES THAT**
6 **SERVE DEPENDENTS OF MEMBERS OF THE**
7 **ARMED FORCES AND DEPARTMENT OF DE-**
8 **FENSE CIVILIAN EMPLOYEES.**

9 (a) REPAIR AND RENOVATION ASSISTANCE.—(1)
10 During fiscal year 2001, the Secretary of Defense may
11 make a grant to an eligible local educational agency to
12 assist the agency to repair and renovate—

13 (A) an impacted school facility that is used by
14 significant numbers of military dependent students;
15 or

16 (B) a school facility that was a former Depart-
17 ment of Defense domestic dependent elementary or
18 secondary school.

19 (2) Authorized repair and renovation projects may in-
20 clude repairs and improvements to an impacted school fa-
21 cility (including the grounds of the facility) designed to
22 ensure compliance with the requirements of the Americans
23 with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
24 or local health and safety ordinances, to meet classroom

1 size requirements, or to accommodate school population
2 increases.

3 (3) The total amount of assistance provided under
4 this subsection to an eligible local educational agency may
5 not exceed \$2,500,000 during fiscal year 2001.

6 (b) MAINTENANCE ASSISTANCE.—(1) During fiscal
7 year 2001, the Secretary of Defense may make a grant
8 to an eligible local educational agency whose boundaries
9 are the same as a military installation to assist the agency
10 to maintain an impacted school facility, including the
11 grounds of such a facility.

12 (2) The total amount of assistance provided under
13 this subsection to an eligible local educational agency may
14 not exceed \$250,000 during fiscal year 2001.

15 (c) DETERMINATION OF ELIGIBLE LOCAL EDU-
16 CATIONAL AGENCIES.—(1) A local educational agency is
17 an eligible local educational agency under this section only
18 if the Secretary of Defense determines that the local edu-
19 cational agency has—

20 (A) one or more federally impacted school facili-
21 ties; and

22 (B) satisfies at least one of the following eligi-
23 bility requirements:

24 (i) The local educational agency is eligible
25 to receive assistance under subsection (f) of sec-

tion 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

(ii) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

(iii) The State education system and the local educational agency are one and the same.

(2) A local educational agency is also an eligible local educational agency under this section if the local educational agency has a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under subsection (a) may only be used to repair and renovate that specific facility.

1 (d) NOTIFICATION OF ELIGIBILITY.—Not later than
2 April 30, 2001, the Secretary of Defense shall notify each
3 local educational agency identified under subsection (c)
4 that the local educational agency is eligible to apply for
5 a grant under subsection (a), subsection (b), or both sub-
6 sections.

7 (e) RELATION TO IMPACT AID CONSTRUCTION AS-
8 SISTANCE.—A local education agency that receives a grant
9 under subsection (a) to repair and renovate a school facil-
10 ity may not also receive a payment for school construction
11 under section 8007 of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 7707) for fiscal year
13 2001.

14 (f) GRANT CONSIDERATIONS.—In determining which
15 eligible local educational agencies will receive a grant
16 under this section, the Secretary of Defense shall take into
17 consideration the following conditions and needs at im-
18 pacted school facilities of eligible local educational agen-
19 cies:

20 (1) The repair or renovation of facilities is
21 needed to meet State mandated class size require-
22 ments, including student-teacher ratios and instruc-
23 tional space size requirements.

24 (2) There is an increase in the number of mili-
25 tary dependent students in facilities of the agency

1 due to increases in unit strength as part of military
2 readiness.

3 (3) There are unhoused students on a military
4 installation due to other strength adjustments at
5 military installations.

6 (4) The repair or renovation of facilities is
7 needed to address any of the following conditions:

8 (A) The condition of the facility poses a
9 threat to the safety and well-being of students.

10 (B) The requirements of the Americans
11 with Disabilities Act of 1990.

12 (C) The cost associated with asbestos re-
13 moval, energy conservation, or technology up-
14 grades.

15 (D) Overcrowding conditions as evidenced
16 by the use of trailers and portable buildings and
17 the potential for future overcrowding because of
18 increased enrollment.

19 (5) The repair or renovation of facilities is
20 needed to meet any other Federal or State mandate.

21 (6) The number of military dependent students
22 as a percentage of the total student population in
23 the particular school facility.

24 (7) The age of facility to be repaired or ren-
25 ovated.

1 (g) DEFINITIONS.—In this section:

2 (1) LOCAL EDUCATIONAL AGENCY.—The term
3 “local educational agency” has the meaning given
4 that term in section 8013(9) of the Elementary and
5 Secondary Education Act of 1965 (20 U.S.C.
6 7713(9)).

7 (2) IMPACTED SCHOOL FACILITY.—The term
8 “impacted school facility” means a facility of a local
9 educational agency—

10 (A) that is used to provide elementary or
11 secondary education at or near a military in-
12 stallation; and

13 (B) at which the average annual enroll-
14 ment of military dependent students is a high
15 percentage of the total student enrollment at
16 the facility, as determined by the Secretary of
17 Defense.

18 (3) MILITARY DEPENDENT STUDENTS.—The
19 term “military dependent students” means students
20 who are dependents of members of the armed forces
21 or Department of Defense civilian employees.

22 (4) MILITARY INSTALLATION.—The term “mili-
23 tary installation” has the meaning given that term
24 in section 2687(e) of title 10, United States Code.

1 (h) FUNDING SOURCE.—The amount authorized to
 2 be appropriated under section 301(25) for Quality of Life
 3 Enhancements, Defense-Wide, shall be available to the
 4 Secretary of Defense to make grants under this section.

5 **Subtitle G—Military Readiness** 6 **Issues**

7 **SEC. 371. MEASURING CANNIBALIZATION OF PARTS, SUP-** 8 **PLIES, AND EQUIPMENT UNDER READINESS** 9 **REPORTING SYSTEM.**

10 Section 117(c) of title 10, United States Code, is
 11 amended by adding at the end the following new para-
 12 graph:

13 “(7) Measure, on a quarterly basis, the extent
 14 to which units of the armed forces remove service-
 15 able parts, supplies, or equipment from one vehicle,
 16 vessel, or aircraft in order to render a different vehi-
 17 cle, vessel, or aircraft operational.”.

18 **SEC. 372. REPORTING REQUIREMENTS REGARDING TRANS-** 19 **FERS FROM HIGH-PRIORITY READINESS AP-** 20 **PROPRIATIONS.**

21 (a) CONTINUATION OF REPORTING REQUIRE-
 22 MENTS.—Section 483 of title 10, United States Code, is
 23 amended by striking subsection (e).

24 (b) LEVEL OF DETAIL.—Subsection (c)(2) of such
 25 section is amended by inserting before the period the fol-

1 lowing: “, including identification of the sources from
2 which funds were transferred into that activity and identi-
3 fication of the recipients of the funds transferred out of
4 that activity”.

5 (c) ADDITIONAL COVERED BUDGET ACTIVITIES.—
6 Subsection (d)(5) of such section is amended by adding
7 at the end the following new subparagraphs:

8 “(G) Combat Enhancement Forces.

9 “(H) Combat Communications.”.

10 **SEC. 373. EFFECTS OF WORLDWIDE CONTINGENCY OPER-**
11 **ATIONS ON READINESS OF MILITARY AIR-**
12 **CRAFT AND EQUIPMENT.**

13 (a) REQUIREMENT FOR REPORT.—Not later than
14 180 days after the date of the enactment of this Act, the
15 Secretary of Defense shall submit to Congress a report
16 assessing the effects of worldwide contingency operations
17 on—

18 (1) the readiness of aircraft and ground equip-
19 ment of the Armed Forces; and

20 (2) the capability of the Armed Forces to main-
21 tain a high level of equipment readiness and to man-
22 age a high operating tempo for the aircraft and
23 ground equipment.

1 (b) EFFECTS ON AIRCRAFT.—With respect to air-
2 craft, the assessment contained in the report shall address
3 the following effects:

4 (1) The effects of the contingency operations
5 carried out during fiscal years 1995 through 2000
6 on the aircraft of each of the Armed Forces in each
7 category of aircraft, as follows:

8 (A) Combat tactical aircraft.

9 (B) Strategic aircraft.

10 (C) Combat support aircraft.

11 (D) Combat service support aircraft.

12 (2) The types of adverse effects on the aircraft
13 of each of the Armed Forces in each category of air-
14 craft specified in paragraph (1) resulting from con-
15 tingency operations, as follows:

16 (A) Patrolling in no-fly zones over Iraq in
17 Operation Northern Watch and Operation
18 Southern Watch and over the Balkans in Oper-
19 ation Allied Force.

20 (B) Air operations in the North Atlantic
21 Treaty Organization air war against Serbia in
22 Operation Sky Anvil, Operation Noble Anvil,
23 and Operation Allied Force.

24 (C) Air operations in Operation Shining
25 Hope in Kosovo.

1 (D) All other activities within the general
2 context of worldwide contingency operations.

3 (3) Any other effects that the Secretary of De-
4 fense considers appropriate in carrying out sub-
5 section (a).

6 (c) EFFECTS ON GROUND EQUIPMENT.—With re-
7 spect to ground equipment, the assessment contained in
8 the report shall address following effects:

9 (1) The effects of the contingency operations
10 carried out during fiscal years 1995 through 2000
11 on the ground equipment of each of the Armed
12 Forces.

13 (2) Any other effects that the Secretary of De-
14 fense considers appropriate in carrying out sub-
15 section (a).

16 (d) DEFINITIONS.—In this section:

17 (1) The term “Armed Forces” means the
18 Army, Navy, Marine Corps, and Air Force.

19 (2) The term “contingency operation” has the
20 meaning given the term in section 101(a)(13) of title
21 10, United States Code.

1 **SEC. 374. IDENTIFICATION OF REQUIREMENTS TO REDUCE**
2 **BACKLOG IN MAINTENANCE AND REPAIR OF**
3 **DEFENSE FACILITIES.**

4 (a) REPORT TO ADDRESS MAINTENANCE AND RE-
5 PAIR BACKLOG.—Not later than March 15, 2001, the Sec-
6 retary of Defense shall submit to Congress a report identi-
7 fying a list of requirements to reduce the backlog in main-
8 tenance and repair needs of facilities and infrastructure
9 under the jurisdiction of the Department of Defense or
10 a military department.

11 (b) ELEMENTS OF REPORT.—At a minimum, the re-
12 port shall include or address the following:

13 (1) The extent of the work necessary to repair
14 and revitalize facilities and infrastructure, or to de-
15 molish and replace unusable facilities, carried as
16 backlog by the Secretary of Defense or the Secretary
17 of a military department.

18 (2) Measurable goals, over specified time
19 frames, for addressing all of the identified require-
20 ments.

21 (3) Expected funding for each military depart-
22 ment and Defense Agency to address the identified
23 requirements during the period covered by the most
24 recent future-years defense program submitted to
25 Congress pursuant to section 221 of title 10, United
26 States Code.

1 (4) The cost of the current backlog in mainte-
2 nance and repair for each military department and
3 Defense Agency, which shall be determined using the
4 standard costs to standard facility categories in the
5 Department of Defense Facilities Cost Factors
6 Handbook, shown both in the aggregate and individ-
7 ually for each major military installation.

8 (5) The total number of square feet of building
9 space of each military department and Defense
10 Agency to be demolished or proposed for demolition,
11 shown both in the aggregate and individually for
12 each major military installation.

13 (6) The initiatives underway to identify facility
14 and infrastructure requirements at military installa-
15 tion to accommodate new and developing weapons
16 systems and to prepare installations to accommodate
17 these systems.

18 (c) ANNUAL UPDATES.—The Secretary of Defense
19 shall update the report required under subsection (a) an-
20 nually. The annual updates shall be submitted to Congress
21 at or about the time that the budget is submitted to Con-
22 gress for a fiscal year under section 1105(a) of title 31,
23 United States Code.

1 **SEC. 375. NEW METHODOLOGY FOR PREPARING BUDGET**
2 **REQUESTS TO SATISFY ARMY READINESS RE-**
3 **QUIREMENTS.**

4 (a) REQUIREMENT FOR NEW METHODOLOGY.—The
5 Secretary of the Army shall develop a new methodology
6 for preparing budget requests for operation and mainte-
7 nance for the Army that can be used to ensure that the
8 budget requests for operation and maintenance for future
9 fiscal years more accurately reflect the Army's require-
10 ments than did the budget requests submitted to Congress
11 for fiscal year 2001 and preceding fiscal years.

12 (b) SENSE OF CONGRESS REGARDING NEW METH-
13 ODOLOGY.—It is the sense of Congress that—

14 (1) the methodology required by subsection (a)
15 should provide for the determination of the budget
16 levels to request for operation and maintenance for
17 the Army to be based on—

18 (A) the level of training that must be con-
19 ducted in order for the Army to execute suc-
20 cessfully the full range of missions called for in
21 the national defense strategy delineated pursu-
22 ant to section 118 of title 10, United States
23 Code, at a low-to-moderate level of risk;

24 (B) the cost of conducting training at the
25 level of training described in subparagraph (A);
26 and

1 (C) the costs of all other Army operations,
2 including the cost of meeting infrastructure re-
3 quirements; and

4 (2) the Secretary of the Army should use the
5 new methodology in the preparation of the budget
6 requests for operation and maintenance for the
7 Army for fiscal years after fiscal year 2001.

8 **SEC. 376. REVIEW OF AH-64 AIRCRAFT PROGRAM.**

9 (a) REQUIREMENT FOR REVIEW.—The Comptroller
10 General shall conduct a review of the Army's AH-64 air-
11 craft program to determine—

12 (1) whether obsolete spare parts, rather than
13 spare parts for the latest aircraft configuration, are
14 being procured;

15 (2) whether there is insufficient sustaining sys-
16 tem technical support;

17 (3) whether technical data packages and manu-
18 als are obsolete;

19 (4) whether there are unfunded requirements
20 for airframe and component upgrades; and

21 (5) if one or more of the conditions described
22 in the preceding paragraphs exist, whether the readi-
23 ness of the aircraft is impaired by the conditions.

24 (b) REPORT.—Not later than March 1, 2001, the
25 Comptroller General shall submit to the congressional de-

1 fense committees a report on the results of the review
2 under subsection (a).

3 **SEC. 377. REPORT ON AIR FORCE SPARE AND REPAIR**
4 **PARTS PROGRAM FOR C-5 AIRCRAFT.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) There exists a significant shortfall in the
8 Nation's current strategic airlift requirement, even
9 though strategic airlift remains critical to the na-
10 tional security strategy of the United States.

11 (2) This shortfall results from the slow phase-
12 out of C-141 aircraft and their replacement with C-
13 17 aircraft and from lower than optimal reliability
14 rates for the C-5 aircraft.

15 (3) One of the primary causes of these reli-
16 ability rates for C-5 aircraft, and especially for
17 operational unit aircraft, is the shortage of spare re-
18 pair parts. Over the past 5 years, this shortage has
19 been particularly evident in the C-5 fleet.

20 (4) Not Mission Capable for Supply rates for
21 C-5 aircraft have increased significantly in the pe-
22 riod between 1997 and 1999. At Dover Air Force
23 Base, Delaware, for example, an average of 7 to 9
24 C-5 aircraft were not available during that period
25 because of a lack of parts.

1 (5) Average rates of cannibalization of C-5 air-
2 craft per 100 sorties of such aircraft have also in-
3 creased during that period and are well above the
4 Air Mobility Command standard. In any given
5 month, this means devoting additional manhours to
6 cannibalization of C-5 aircraft. At Dover Air Force
7 Base, for example, an average of 800 to 1,000 addi-
8 tional manhours were required for cannibalization of
9 C-5 aircraft during that period. Cannibalization is
10 often required for aircraft that transit through a
11 base such as Dover Air Force Base, as well as those
12 that are based there.

13 (6) High cannibalization rates indicate a signifi-
14 cant problem in delivering spare parts in a timely
15 manner and systemic problems within the repair and
16 maintenance process, and also demoralize over-
17 worked maintenance crews.

18 (7) The C-5 aircraft remains an absolutely crit-
19 ical asset in air mobility and airlifting heavy equip-
20 ment and personnel to both military contingencies
21 and humanitarian relief efforts around the world.

22 (8) Despite increased funding for spare and re-
23 pair parts and other efforts by the Air Force to miti-
24 gate the parts shortage problem, Congress continues

1 to receive reports of significant cannibalization to
2 airworthy C-5 aircraft and parts backlogs.

3 (b) REPORT REQUIRED.—Not later than January 1,
4 2001, and September 30, 2001, the Secretary of the Air
5 Force shall submit to Congress a report on the overall sta-
6 tus of the spare and repair parts program of the Air Force
7 for the C-5 aircraft.

8 (c) ELEMENTS OF REPORT.—Each report shall in-
9 clude the following:

10 (1) A statement of the funds currently allocated
11 to the acquisition of spare and repair parts for the
12 C-5 aircraft and the adequacy of such funds to meet
13 current and future repair and maintenance require-
14 ments for that aircraft.

15 (2) A description of current efforts to address
16 shortfalls in the availability of spare and repair
17 parts for the C-5 aircraft, including an assessment
18 of potential short-term and long-term effects of such
19 efforts.

20 (3) An assessment of the effects of such parts
21 shortfalls on readiness and reliability ratings for the
22 C-5 aircraft.

23 (4) A description of rates at which spare and
24 repair parts for one C-5 aircraft are taken from an-
25 other C-5 aircraft (known as parts cannibalization)

1 and the manhours devoted to part cannibalization of
2 such aircraft.

3 (5) An assessment of the effects of parts short-
4 falls and parts cannibalization with respect to C-5
5 aircraft on readiness and retention.

6 **Subtitle H—Other Matters**

7 **SEC. 381. ANNUAL REPORT ON PUBLIC SALE OF CERTAIN** 8 **MILITARY EQUIPMENT IDENTIFIED ON** 9 **UNITED STATES MUNITIONS LIST.**

10 (a) ANNUAL REPORT REQUIRED.—Chapter 153 of
11 title 10, United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 2582. Military equipment identified on United** 14 **States munitions list: annual report of** 15 **public sales**

16 “(a) REPORT REQUIRED.—The Secretary of Defense
17 shall prepare an annual report identifying each public sale
18 conducted by a military department or Defense Agency of
19 military items that are—

20 “(1) identified on the United States Munitions
21 List maintained under section 121.1 of title 22,
22 Code of Federal Regulations; and

23 “(2) assigned a demilitarization code of ‘B’ or
24 its equivalent.

1 “(b) ELEMENTS OF REPORT.—(1) A report under
 2 this section shall cover all public sales described in sub-
 3 section (a) that were conducted during the preceding fiscal
 4 year.

5 “(2) The report shall specify the following for each
 6 sale:

7 “(A) The date of the sale.

8 “(B) The military department or Defense Agen-
 9 cy conducting the sale.

10 “(C) The manner in which the sale was con-
 11 ducted.

12 “(D) The military items described in subsection
 13 (a) that were sold or offered for sale.

14 “(E) The purchaser of each item.

15 “(F) The stated end-use of each item sold.

16 “(c) SUBMISSION OF REPORT.—Not later than
 17 March 31 of each year, the Secretary of Defense shall sub-
 18 mit to the Committee on Armed Services of the House
 19 of Representatives and the Committee on Armed Services
 20 of the Senate the report required by this section for the
 21 preceding fiscal year.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
 23 at the beginning of such chapter is amended by adding
 24 at the end the following new item:

“2582. Military equipment identified on United States munitions list: annual re-
 port of public sales.”.

1 **SEC. 382. RESALE OF ARMOR-PIERCING AMMUNITION DIS-**
2 **POSED OF BY THE ARMY.**

3 (a) RESTRICTION.—(1) Chapter 443 of title 10,
4 United States Code, is amended by adding at the end the
5 following new section:

6 **“§ 4688. Armor-piercing ammunition and components:**
7 **condition on disposal**

8 “(a) LIMITATION ON RESALE OR OTHER TRANS-
9 FER.—Except as provided in subsection (b), whenever the
10 Secretary of the Army carries out a disposal (by sale or
11 otherwise) of armor-piercing ammunition, or a component
12 of armor-piercing ammunition, the Secretary shall require
13 as a condition of the disposal that the recipient agree in
14 writing not to sell or otherwise transfer any of the ammu-
15 nition (reconditioned or otherwise), or any armor-piercing
16 component of that ammunition, to any purchaser in the
17 United States other than a law enforcement or other gov-
18 ernmental agency.

19 “(b) EXCEPTION.—Subsection (a) does not apply to
20 a transfer of a component of armor-piercing ammunition
21 solely for the purpose of metal reclamation by means of
22 a destructive process such as melting, crushing, or shred-
23 ding.

24 “(c) SPECIAL RULE FOR NON-ARMOR-PIERCING
25 COMPONENTS.—A component of the armor-piercing am-
26 munition that is not itself armor-piercing and is not sub-

1 jected to metal reclamation as described in subsection (b)
2 may not be used as a component in the production of new
3 or remanufactured armor-piercing ammunition other than
4 for sale to a law enforcement or other governmental agen-
5 cy or for a government-to-government sale or commercial
6 export to a foreign government under the Arms Export
7 Control Act (22 U.S.C. 2751).

8 “(d) DEFINITION.—In this section, the term ‘armor-
9 piercing ammunition’ means a center-fire cartridge the
10 military designation of which includes the term ‘armor
11 penetrator’ or ‘armor-piercing’, including a center-fire car-
12 tridge designated as armor-piercing incendiary (API) or
13 armor-piercing incendiary-tracer (API-T).”.

14 (2) The table of sections at the beginning of such
15 chapter is amended by adding at the end the following
16 new item:

“4688. Armor-piercing ammunition and components: condition on disposal.”.

17 (b) APPLICABILITY.—Section 4688 of title 10, United
18 States Code, as added by subsection (a), shall apply with
19 respect to any disposal of ammunition or components re-
20 ferred to in that section after the date of the enactment
21 of this Act.

1 **SEC. 383. REIMBURSEMENT BY CIVIL AIR CARRIERS FOR**
2 **SUPPORT PROVIDED AT JOHNSTON ATOLL.**

3 (a) IN GENERAL.—Chapter 949 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 9783. Johnston Atoll: reimbursement for support**
7 **provided to civil air carriers**

8 “(a) AUTHORITY OF THE SECRETARY.—The Sec-
9 retary of the Air Force may, under regulations prescribed
10 by the Secretary, require payment by a civil air carrier
11 for support provided by the United States to the carrier
12 at Johnston Atoll that is either—

13 “(1) requested by the civil air carrier; or

14 “(2) determined under the regulations as being
15 necessary to accommodate the civil air carrier’s use
16 of Johnston Atoll.

17 “(b) AMOUNT OF CHARGES.—Any amount charged
18 an air carrier under subsection (a) for support shall be
19 equal to the total amount of the actual costs to the United
20 States of providing the support. The amount charged may
21 not include any amount for an item of support that does
22 not satisfy a condition described in paragraph (1) or (2)
23 of subsection (a).

24 “(c) RELATIONSHIP TO LANDING FEES.—No landing
25 fee shall be charged an air carrier for a landing of an air-
26 craft of the air carrier at Johnston Atoll if the air carrier

1 is charged under subsection (a) for support provided to
2 the air carrier.

3 “(d) DISPOSITION OF PAYMENTS.—(1) Amounts col-
4 lected from an air carrier under this section shall be cred-
5 ited to appropriations available for the fiscal year in which
6 collected, as follows:

7 “(A) For support provided by the Air Force, to
8 appropriations available for the Air Force for oper-
9 ation and maintenance.

10 “(B) For support provided by the Army, to ap-
11 propriations available for the Army for chemical de-
12 militarization.

13 “(2) Amounts credited to an appropriation under
14 paragraph (1) shall be merged with funds in that appro-
15 priation and shall be available, without further appropria-
16 tion, for the purposes and period for which the appropria-
17 tion is available.

18 “(e) DEFINITIONS.—In this section:

19 “(1) The term ‘civil air carrier’ means an air
20 carrier (as defined in section 40101(a)(2) of title
21 49) that is issued a certificate of public convenience
22 and necessity under section 41102 of such title.

23 “(2) The term ‘support’ includes fuel, fire res-
24 cue, use of facilities, improvements necessary to ac-
25 commodate use by civil air carriers, police, safety,

1 housing, food, air traffic control, suspension of mili-
2 tary operations on the island (including operations
3 at the Johnston Atoll Chemical Agent Demilitariza-
4 tion System), repairs, and any other construction,
5 services, or supplies.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by adding
8 at the end the following new item:

“9783. Johnston Atoll: reimbursement for support provided to civil air car-
riers.”.

9 **SEC. 384. TRAVEL BY RESERVES ON MILITARY AIRCRAFT.**

10 (a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO
11 DUTY STATIONS.—Subsection (a) of section 18505 of title
12 10, United States Code, is amended to read as follows:

13 “(a) A member of a reserve component traveling for
14 annual training duty or inactive-duty training (including
15 a place other than the place of the member’s unit training
16 assembly if the member is performing annual training
17 duty or inactive-duty training in another location) may
18 travel in a space-required status on aircraft of the armed
19 forces between the member’s home and the place of the
20 annual training duty or inactive-duty training.”.

21 (b) CLERICAL AMENDMENTS.—(1) The heading of
22 such section is amended to read as follows:

1 **“§ 18505. Reserves traveling for annual training duty**
 2 **or inactive-duty training: space-required**
 3 **travel on military aircraft”.**

4 (2) The table of sections at the beginning of chapter
 5 1805 of such title is amended by striking the item relating
 6 to section 18505 and inserting the following new item:

“18505. Reserves traveling for annual training duty or inactive-duty training:
 space-required travel on military aircraft.”.

7 **SEC. 385. OVERSEAS AIRLIFT SERVICE ON CIVIL RESERVE**
 8 **AIR FLEET AIRCRAFT.**

9 (a) IN GENERAL.—Section 41106 of title 49, United
 10 States Code, is amended—

11 (1) in subsection (a)(1), by striking “of at least
 12 31 days”;

13 (2) by redesignating subsection (b) as sub-
 14 section (d); and

15 (3) by inserting after subsection (a) the fol-
 16 lowing new subsections:

17 “(b) TRANSPORTATION BETWEEN THE UNITED
 18 STATES AND FOREIGN LOCATIONS.—Except as provided
 19 in subsection (d), the transportation of passengers or
 20 property by transport category aircraft between a place
 21 in the United States and a place outside the United States
 22 obtained by the Secretary of Defense or the Secretary of
 23 a military department through a contract for airlift service

1 shall be provided by an air carrier referred to in subsection
2 (a).

3 “(c) TRANSPORTATION BETWEEN FOREIGN LOCA-
4 TIONS.—The transportation of passengers or property by
5 transport category aircraft between two places outside the
6 United States obtained by the Secretary of Defense or the
7 Secretary of a military department through a contract for
8 airlift service shall be provided by an air carrier that has
9 aircraft in the civil reserve air fleet whenever transpor-
10 tation by such an air carrier is reasonably available.”.

11 (b) CONFORMING AMENDMENT.—Subsection (a) of
12 such section is further amended by striking “GENERAL.—
13 (1) Except as provided in subsection (b) of this section,”
14 and inserting “INTERSTATE TRANSPORTATION.—(1) Ex-
15 cept as provided in subsection (d) of this section,”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on October 1, 2000.

18 **SEC. 386. ADDITIONS TO PLAN FOR ENSURING VISIBILITY**
19 **OVER ALL IN-TRANSIT END ITEMS AND SEC-**
20 **ONDARY ITEMS.**

21 (a) REQUIRED ADDITIONS.—Subsection (d) of sec-
22 tion 349 of the Strom Thurmond National Defense Au-
23 thorization Act for Fiscal Year 1999 (Public Law 105–
24 261; 112 Stat. 1981; 10 U.S.C. 2458 note) is amended—

1 (1) in paragraph (1), by inserting before the pe-
2 riod at the end the following: “, including specific
3 actions to address underlying weaknesses in the con-
4 trols over items being shipped”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(5) The key management elements for moni-
8 toring, and for measuring the progress achieved in,
9 the implementation of the plan, including—

10 “(A) the assignment of oversight responsi-
11 bility for each action identified pursuant to
12 paragraph (1);

13 “(B) a description of the resources re-
14 quired for oversight; and

15 “(C) an estimate of the annual cost of
16 oversight.”.

17 (b) CONFORMING AMENDMENTS.—(1) Subsection (a)
18 of such section is amended by striking “Not later than”
19 and all that follows through “Congress” and inserting
20 “The Secretary of Defense shall prescribe and carry out”.

21 (2) Such section is further amended by adding at the
22 end the following new subsection:

23 “(f) SUBMISSIONS TO CONGRESS.—The Secretary
24 shall submit to Congress any revisions made to the plan
25 that are required by any law enacted after October 17,

1 1998. The revisions so made shall be submitted not later
2 than 180 days after the date of the enactment of the law
3 requiring the revisions.”.

4 (3) Subsection (e)(1) of such section is amended by
5 striking “submits the plan” and inserting “submits the
6 initial plan”.

7 **SEC. 387. REAUTHORIZATION OF PILOT PROGRAM FOR AC-**
8 **CEPTANCE AND USE OF LANDING FEES**
9 **CHARGED FOR USE OF DOMESTIC MILITARY**
10 **AIRFIELDS BY CIVIL AIRCRAFT.**

11 (a) REAUTHORIZATION.—Section 377 of the Strom
12 Thurmond National Defense Authorization Act for Fiscal
13 Year 1999 (Public Law 105–261; 112 Stat. 1993; 10
14 U.S.C. 113 note) is amended—

15 (1) in subsection (a)—

16 (A) by striking “during fiscal years 1999
17 and 2000”; and

18 (B) by striking the second sentence; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(e) DURATION OF PILOT PROGRAM.—The pilot pro-
22 gram under this section may not be carried out after Sep-
23 tember 30, 2010.”.

24 (b) FEES COLLECTED.—Subsection (b) of such sec-
25 tion is amended to read as follows:

1 “(b) LANDING FEE DEFINED.—In this section, the
2 term ‘landing fee’ means any fee that is established under
3 or in accordance with regulations of the military depart-
4 ment concerned (whether prescribed in a fee schedule or
5 imposed under a joint-use agreement) to recover costs in-
6 curred for use by civil aircraft of an airfield of the military
7 department in the United States or in a territory or pos-
8 session of the United States.”.

9 (c) USE OF PROCEEDS.—Subsection (c) of such sec-
10 tion is amended by striking “Amounts received for a fiscal
11 year in payment of landing fees imposed under the pilot
12 program for use of a military airfield” and inserting
13 “Amounts received in payment of landing fees for use of
14 a military airfield in a fiscal year of the pilot program”.

15 (d) REPORT.—Subsection (d) of such section is
16 amended—

17 (1) by striking “March 31, 2000,” and insert-
18 ing “March 31, 2003,”; and

19 (2) by striking “December 31, 1999” and in-
20 serting “December 31, 2002”.

1 **SEC. 388. EXTENSION OF AUTHORITY TO SELL CERTAIN**
2 **AIRCRAFT FOR USE IN WILDFIRE SUPPRES-**
3 **SION.**

4 Section 2 of the Wildfire Suppression Aircraft Trans-
5 fer Act of 1996 (Public Law 104–307; 10 U.S.C. 2576
6 note) is amended—

7 (1) in subsection (a)(1), by striking “September
8 30, 2000” and inserting “September 30, 2005”;

9 (2) in subsection (d)(1)—

10 (A) by striking “the date of the enactment
11 of this Act” and inserting “October 14, 1996”;
12 and

13 (B) by adding at the end the following:
14 “The regulations prescribed under this para-
15 graph shall be effective until the end of the pe-
16 riod specified in subsection (a)(1).”; and

17 (3) in subsection (f), by striking “March 31,
18 2000” and inserting “March 31, 2005”.

19 **SEC. 389. DAMAGE TO AVIATION FACILITIES CAUSED BY AL-**
20 **KALI SILICA REACTIVITY.**

21 (a) **ASSESSMENT OF DAMAGE AND PREVENTION AND**
22 **MITIGATION TECHNOLOGY.**—The Secretary of Defense
23 shall require the Secretaries of the military departments
24 to assess—

25 (1) the damage caused to aviation facilities of
26 the Armed Forces by alkali silica reactivity; and

1 (2) the availability of technologies capable of
2 preventing, treating, or mitigating alkali silica reac-
3 tivity in hardened concrete structures and pave-
4 ments.

5 (b) EVALUATION OF TECHNOLOGIES.—(1) Taking
6 into consideration the assessment under subsection (a),
7 the Secretary of each military department may conduct
8 a demonstration project at a location selected by the Sec-
9 retary concerned to test and evaluate the effectiveness of
10 technologies intended to prevent, treat, or mitigate alkali
11 silica reactivity in hardened concrete structures and pave-
12 ments.

13 (2) The Secretary of Defense shall ensure that the
14 locations selected for the demonstration projects represent
15 the diverse operating environments of the Armed Forces.

16 (c) NEW CONSTRUCTION.—The Secretary of Defense
17 shall develop specific guidelines for appropriate testing
18 and use of lithium salts to prevent alkali silica reactivity
19 in new construction of the Department of Defense.

20 (d) COMPLETION OF ASSESSMENT AND DEMONSTRA-
21 TION.—The assessment conducted under subsection (a)
22 and the demonstration projects, if any, conducted under
23 subsection (b) shall be completed not later than September
24 30, 2006.

1 (e) DELEGATION OF AUTHORITY.—The authority to
2 conduct the assessment under subsection (a) may be dele-
3 gated only to the Chief of Engineers of the Army, the
4 Commander of the Naval Facilities Engineering Com-
5 mand, and the Civil Engineer of the Air Force.

6 (f) LIMITATION ON EXPENDITURES.—The Secretary
7 of Defense and the Secretaries of the military departments
8 may not expend more than a total of \$5,000,000 to con-
9 duct both the assessment under subsection (a) and all of
10 the demonstration projects under subsection (b).

11 **SEC. 390. DEMONSTRATION PROJECT TO INCREASE RE-**
12 **SERVE COMPONENT INTERNET ACCESS AND**
13 **SERVICES IN RURAL COMMUNITIES.**

14 (a) AUTHORIZATION AND PURPOSE OF PROJECT.—
15 The Secretary of the Army, acting through the Chief of
16 the National Guard Bureau, may carry out a demonstra-
17 tion project in rural communities that are unserved or un-
18 derserved by the telecommunications medium known as
19 the Internet to provide or increase Internet access and
20 services to units and members of the National Guard and
21 other reserve components located in these communities.

22 (b) PROJECT ELEMENTS.—In carrying out the dem-
23 onstration project, the Secretary may—

24 (1) establish and operate distance learning
25 classrooms in communities described in subsection

1 (a), including any support systems required for such
2 classrooms; and

3 (2) provide Internet access and services in such
4 classrooms through GuardNet, the telecommuni-
5 cations infrastructure of the National Guard.

6 (c) REPORT.—Not later than February 1, 2005, the
7 Secretary shall submit to Congress a report on the dem-
8 onstration project. The report shall describe the activities
9 conducted under the demonstration project and include
10 any recommendations for the improvement or expansion
11 of the demonstration project that the Secretary considers
12 appropriate.

13 **SEC. 391. ADDITIONAL CONDITIONS ON IMPLEMENTATION**
14 **OF DEFENSE JOINT ACCOUNTING SYSTEM.**

15 (a) REPORT ON DEPLOYMENT OF SYSTEM.—The
16 proposed Defense Joint Accounting System is not prohib-
17 ited, but the Secretary of Defense may not grant a Mile-
18 stone III decision for the system unless and until the Sec-
19 retary of Defense submits to the Committee on Armed
20 Services of the Senate and the Committee on Armed Serv-
21 ices of the House of Representatives a report—

22 (1) explaining the reasons for the withdrawal of
23 the Department of the Air Force from the proposed
24 Defense Joint Accounting System and the effect of
25 the withdrawal on the development of the system;

1 (2) explaining the reasons why the Department
2 of the Navy is not required to participate in the sys-
3 tem;

4 (3) identifying business process reengineering
5 initiatives reviewed, considered, or undertaken by the
6 Department of the Air Force and the Department of
7 the Navy before the decisions were made to exclude
8 the Department of the Navy from the system and to
9 allow the Department of the Air Force to withdraw
10 from the system; and

11 (4) containing an analysis, prepared with the
12 participation of the Secretaries of the military de-
13 partments, of alternatives to the system to deter-
14 mine whether the system warrants deployment.

15 (b) CERTIFICATION.—If the Secretary of Defense de-
16 termines that the proposed Defense Joint Accounting Sys-
17 tem warrants a Milestone III decision, the Secretary shall
18 submit to the Committee on Armed Services of the Senate
19 and the Committee on Armed Services of the House of
20 Representatives a certification that the system will meet—

21 (1) the required functionality for users of the
22 system;

23 (2) Department of Defense acquisition stand-
24 ards;

1 (3) the applicable requirements for Milestones
2 I, II and III; and

3 (4) the applicable requirements of the Clinger-
4 Cohen Act of 1996 (divisions D and E of Public
5 Law 104–106).

6 **SEC. 392. REPORT ON DEFENSE TRAVEL SYSTEM.**

7 (a) REQUIREMENT FOR REPORT.—Not later than
8 November 30, 2000, the Secretary of Defense shall submit
9 to the congressional defense committees a report on the
10 Defense Travel System.

11 (b) CONTENT OF REPORT.—The report shall include
12 the following:

13 (1) A detailed discussion of the development,
14 testing, and fielding of the system, including the
15 performance requirements, the evaluation criteria,
16 the funding that has been provided for the develop-
17 ment, testing, and fielding of the system, and the
18 funding that is projected to be required for com-
19 pleting the development, testing, and fielding of the
20 system.

21 (2) The schedule for the testing of the system,
22 including the initial operational test and evaluation
23 and the final operational testing and evaluation, to-
24 gether with the results of the testing.

1 (3) The cost savings expected to result from the
2 deployment of the system and from the completed
3 implementation of the system, together with a dis-
4 cussion of how the savings are estimated and the ex-
5 pected schedule for the realization of the savings.

6 (4) An analysis of the costs and benefits of
7 fielding the front-end software for the system
8 throughout all 18 geographical areas selected for the
9 original fielding of the system.

10 **SEC. 393. REVIEW OF DEPARTMENT OF DEFENSE COSTS OF**
11 **MAINTAINING HISTORICAL PROPERTIES.**

12 (a) REQUIREMENT FOR REVIEW.—The Comptroller
13 General shall conduct a review of the annual costs in-
14 curred by the Department of Defense to comply with the
15 requirements of the National Historic Preservation Act
16 (16 U.S.C. 470 et seq.).

17 (b) REPORT.—Not later than February 28, 2001, the
18 Comptroller General shall submit to the congressional de-
19 fense committees a report on the results of the review.
20 The report shall contain the following:

21 (1) For each military department and Defense
22 Agency and for the Department of Defense in the
23 aggregate, the cost for fiscal year 2000 and the pro-
24 jected costs for the ensuing 10 fiscal years to comply

1 with the requirements of the National Historic Pres-
 2 ervation Act.

3 (2) Of the costs referred to in paragraph (1),
 4 the portion of such costs related to maintenance of
 5 those properties that qualified as historic properties
 6 under the National Historic Preservation Act when
 7 such Act was originally enacted in 1966.

8 (3) The accounts used for paying the costs of
 9 complying with the requirements of the National
 10 Historic Preservation Act.

11 (4) For each military department and Defense
 12 Agency, the identity of all properties that must be
 13 maintained in order to comply with the requirements
 14 of the National Historic Preservation Act.

15 **TITLE IV—MILITARY** 16 **PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent end strength minimum levels.

Sec. 403. Adjustment to end strength flexibility authority.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2001 limitation on non-dual status technicians.

Sec. 415. Increase in numbers of members in certain grades authorized to be
 on active duty in support of the Reserves.

Subtitle C—Other Matters Relating to Personnel Strengths

Sec. 421. Authority for Secretary of Defense to suspend certain personnel
 strength limitations during war or national emergency.

Sec. 422. Exclusion from active component end strengths of certain reserve component members on active duty in support of the combatant commands.

Sec. 423. Exclusion of Army and Air Force medical and dental officers from limitation on strengths of reserve commissioned officers in grades below brigadier general.

Sec. 424. Authority for temporary increases in number of reserve component personnel serving on active duty or full-time national guard duty in certain grades.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

1 Subtitle A—Active Forces

2 SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

3 The Armed Forces are authorized strengths for active
4 duty personnel as of September 30, 2001, as follows:

5 (1) The Army, 480,000.

6 (2) The Navy, 372,642.

7 (3) The Marine Corps, 172,600.

8 (4) The Air Force, 357,000.

9 SEC. 402. REVISION IN PERMANENT END STRENGTH MIN- 10 IMUM LEVELS.

11 (a) REVISED END STRENGTH FLOORS.—Section
12 691(b) of title 10, United States Code, is amended—

13 (1) in paragraph (2), by striking “371,781”
14 and inserting “372,000”;

15 (2) in paragraph (3), by striking “172,148”
16 and inserting “172,600”; and

17 (3) in paragraph (4), by striking “360,877”
18 and inserting “357,000”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on October 1, 2000.

3 **SEC. 403. ADJUSTMENT TO END STRENGTH FLEXIBILITY**
4 **AUTHORITY.**

5 Section 691(e) of title 10, United States Code, is
6 amended by inserting “or greater than” after “identical
7 to”.

8 **Subtitle B—Reserve Forces**

9 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

10 (a) IN GENERAL.—The Armed Forces are authorized
11 strengths for Selected Reserve personnel of the reserve
12 components as of September 30, 2001, as follows:

13 (1) The Army National Guard of the United
14 States, 350,526.

15 (2) The Army Reserve, 205,300.

16 (3) The Naval Reserve, 88,900.

17 (4) The Marine Corps Reserve, 39,558.

18 (5) The Air National Guard of the United
19 States, 108,022.

20 (6) The Air Force Reserve, 74,358.

21 (7) The Coast Guard Reserve, 8,000.

22 (b) ADJUSTMENTS.—The end strengths prescribed by
23 subsection (a) for the Selected Reserve of any reserve com-
24 ponent shall be proportionately reduced by—

1 (1) the total authorized strength of units orga-
2 nized to serve as units of the Selected Reserve of
3 such component which are on active duty (other
4 than for training) at the end of the fiscal year; and

5 (2) the total number of individual members not
6 in units organized to serve as units of the Selected
7 Reserve of such component who are on active duty
8 (other than for training or for unsatisfactory partici-
9 pation in training) without their consent at the end
10 of the fiscal year.

11 Whenever such units or such individual members are re-
12 leased from active duty during any fiscal year, the end
13 strength prescribed for such fiscal year for the Selected
14 Reserve of such reserve component shall be proportion-
15 ately increased by the total authorized strengths of such
16 units and by the total number of such individual members.

17 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
18 **DUTY IN SUPPORT OF THE RESERVES.**

19 Within the end strengths prescribed in section
20 411(a), the reserve components of the Armed Forces are
21 authorized, as of September 30, 2001, the following num-
22 ber of Reserves to be serving on full-time active duty or
23 full-time duty, in the case of members of the National
24 Guard, for the purpose of organizing, administering, re-
25 cruiting, instructing, or training the reserve components:

1 (1) The Army National Guard of the United
2 States, 22,974.

3 (2) The Army Reserve, 13,106.

4 (3) The Naval Reserve, 14,649.

5 (4) The Marine Corps Reserve, 2,261.

6 (5) The Air National Guard of the United
7 States, 11,170.

8 (6) The Air Force Reserve, 1,336.

9 **SEC. 413. END STRENGTHS FOR MILITARY**
10 **TECHNICIANS (DUAL STATUS).**

11 The minimum number of military technicians (dual
12 status) as of the last day of fiscal year 2001 for the re-
13 serve components of the Army and the Air Force (notwith-
14 standing section 129 of title 10, United States Code) shall
15 be the following:

16 (1) For the Army National Guard of the
17 United States, 23,128.

18 (2) For the Army Reserve, 5,921.

19 (3) For the Air National Guard of the
20 United States, 22,247.

21 (4) For the Air Force Reserve, 9,785.

22 **SEC. 414. FISCAL YEAR 2001 LIMITATION ON NON-DUAL STA-**
23 **TUS TECHNICIANS.**

24 (a) **LIMITATION.**—The number of non-dual status
25 technicians employed by the reserve components of the

1 Army and the Air Force as of September 30, 2001, may
2 not exceed the following:

3 (1) For the Army Reserve, 1,195.

4 (2) For the Army National Guard of the United
5 States, 1,600.

6 (3) For the Air Force Reserve, 10.

7 (4) For the Air National Guard of the United
8 States, 326.

9 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
10 this section, the term “non-dual status technician” has the
11 meaning given that term in section 10217(a) of title 10,
12 United States Code.

13 (c) POSTPONEMENT OF PERMANENT LIMITATION.—
14 Section 10217(c)(2) of title 10, United States Code, is
15 amended by striking “October 1, 2001” and inserting
16 “October 1, 2002”.

17 **SEC. 415. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN**
18 **GRADES AUTHORIZED TO BE ON ACTIVE**
19 **DUTY IN SUPPORT OF THE RESERVES.**

20 (a) OFFICERS.—The table in section 12011(a) of title
21 10, United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,316	1,071	948	140
Lieutenant Colonel or Commander	1,759	520	852	90
Colonel or Navy Captain	529	188	317	30”.

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
E-9	764	202	502	20
E-8	2,821	429	1,117	94”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

(d) REPORT.—(1) Not later than March 31, 2001, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on management of the grade structure for reserve-component officers who are subject to section 12011 of title 10, United States Code, and on the grade structure of enlisted members who are subject to section 12012 of that title. The Secretary of Defense shall include in the report recommendations for a permanent solution for managing the grade structures for those officers and enlisted members without requirement for frequent statutory adjustments to the limitations in those sections.

(2) In developing recommendations for the report under paragraph(1), the Secretary shall consider the following areas:

(A) The grade structure authorized for field-grade officers in the active-duty forces and the reasons why the grade structure for field-grade reserve

1 officers on active duty in support of the reserves is
2 different.

3 (B) The grade structure authorized for senior
4 enlisted members in the active-duty forces and the
5 reasons why the grade structure for senior enlisted
6 reserve members on active duty in support of the re-
7 serves is different.

8 (C) The need for independent grade limits for
9 each reserve component under sections 12011 and
10 12012 of title 10, United States Code.

11 (D) The advantages and disadvantage of replac-
12 ing management by the current grade tables in those
13 sections with management through a system based
14 on the grade authorized for the position occupied by
15 the member.

16 (E) The current mix within each reserve compo-
17 nent, for each controlled grade, of (i) traditional re-
18 servists, (ii) military technicians, (iii) regular compo-
19 nent members, and (iv) reserve members on active
20 duty in support of the reserves, and how that mix,
21 for each component, would shift over time under the
22 Secretary's recommended solution as specified in
23 paragraph (1).

1 **Subtitle C—Other Matters Relating**
2 **to Personnel Strengths**

3 **SEC. 421. AUTHORITY FOR SECRETARY OF DEFENSE TO**
4 **SUSPEND CERTAIN PERSONNEL STRENGTH**
5 **LIMITATIONS DURING WAR OR NATIONAL**
6 **EMERGENCY.**

7 (a) SENIOR ENLISTED MEMBERS ON ACTIVE
8 DUTY.—Section 517 of title 10, United States Code, is
9 amended by adding at the end the following new sub-
10 section:

11 “(c) Whenever under section 527 of this title the
12 President may suspend the operation of any provision of
13 section 523, 525, or 526 of this title, the Secretary of De-
14 fense may suspend the operation of any provision of this
15 section. Any such suspension shall, if not sooner ended,
16 end in the manner specified in section 527 for a suspen-
17 sion under that section.”.

18 (b) FIELD GRADE RESERVE COMPONENT OFFI-
19 CERS.—Section 12011 of such title is amended by adding
20 at the end the following new subsection:

21 “(c) Whenever under section 527 of this title the
22 President may suspend the operation of any provision of
23 section 523, 525, or 526 of this title, the Secretary of De-
24 fense may suspend the operation of any provision of this
25 section. Any such suspension shall, if not sooner ended,

1 end in the manner specified in section 527 for a suspen-
 2 sion under that section.”.

3 (c) SENIOR ENLISTED MEMBER IN RESERVE COMPO-
 4 NENTS.—Section 12012 of such title is amended by add-
 5 ing at the end the following new subsection:

6 “(c) Whenever under section 527 of this title the
 7 President may suspend the operation of any provision of
 8 section 523, 525, or 526 of this title, the Secretary of De-
 9 fense may suspend the operation of any provision of this
 10 section. Any such suspension shall, if not sooner ended,
 11 end in the manner specified in section 527 for a suspen-
 12 sion under that section.”.

13 **SEC. 422. EXCLUSION FROM ACTIVE COMPONENT END**
 14 **STRENGTHS OF CERTAIN RESERVE COMPO-**
 15 **NENT MEMBERS ON ACTIVE DUTY IN SUP-**
 16 **PORT OF THE COMBATANT COMMANDS.**

17 Section 115(d) of title 10, United States Code, is
 18 amended by adding at the end the following new para-
 19 graph:

20 “(9) Members of reserve components (not de-
 21 scribed in paragraph (8)) on active duty for more
 22 than 180 days but less than 271 days to perform
 23 special work in support of the combatant commands,
 24 except that—

1 “(A) general and flag officers may not be
2 excluded under this paragraph; and

3 “(B) the number of members of any of the
4 armed forces excluded under this paragraph
5 may not exceed the number equal to 0.2 percent
6 of the end strength authorized for active-duty
7 personnel of that armed force under subsection
8 (a)(1)(A).”.

9 **SEC. 423. EXCLUSION OF ARMY AND AIR FORCE MEDICAL**
10 **AND DENTAL OFFICERS FROM LIMITATION**
11 **ON STRENGTHS OF RESERVE COMMISSIONED**
12 **OFFICERS IN GRADES BELOW BRIGADIER**
13 **GENERAL.**

14 Section 12005(a) of title 10, United States Code, is
15 amended by adding at the end the following new para-
16 graph:

17 “(3) Medical officers and dental officers shall not be
18 counted for the purposes of this subsection.”.

19 **SEC. 424. AUTHORITY FOR TEMPORARY INCREASES IN**
20 **NUMBER OF RESERVE COMPONENT PER-**
21 **SONNEL SERVING ON ACTIVE DUTY OR FULL-**
22 **TIME NATIONAL GUARD DUTY IN CERTAIN**
23 **GRADES.**

24 (a) FIELD GRADE OFFICERS.—Section 12011 of title
25 10, United States Code, as amended by section 421(b),

1 is amended by adding at the end the following new sub-
2 section:

3 “(d) Upon increasing under subsection (c)(2) of sec-
4 tion 115 of this title the end strength that is authorized
5 under subsection (a)(1)(B) of that section for a fiscal year
6 for active-duty personnel and full-time National Guard
7 duty personnel of an armed force who are to be paid from
8 funds appropriated for reserve personnel, the Secretary of
9 Defense may increase for that fiscal year the limitation
10 that is set forth in subsection (a) of this section for the
11 number of officers of that armed force serving in any
12 grade if the Secretary determines that such action is in
13 the national interest. The percent of the increase may not
14 exceed the percent by which the Secretary increases that
15 end strength.”.

16 (b) SENIOR ENLISTED PERSONNEL.—Section 12012
17 of such title, as amended by section 421(c), is amended
18 by adding at the end the following new subsection:

19 “(d) Upon increasing under subsection (c)(2) of sec-
20 tion 115 of this title the end strength that is authorized
21 under subsection (a)(1)(B) of that section for a fiscal year
22 for active-duty personnel and full-time National Guard
23 duty personnel of an armed force who are to be paid from
24 funds appropriated for reserve personnel, the Secretary of
25 Defense may increase for that fiscal year the limitation

1 that is set forth in subsection (a) of this section for the
 2 number of enlisted members of that armed force serving
 3 in any grade if the Secretary determines that such action
 4 is in the national interest. The percent of the increase may
 5 not exceed the percent by which the Secretary increases
 6 that end strength.”.

7 **Subtitle D—Authorization of** 8 **Appropriations**

9 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-** 10 **TARY PERSONNEL.**

11 There is hereby authorized to be appropriated to the
 12 Department of Defense for military personnel for fiscal
 13 year 2001 a total of \$75,801,666,000. The authorization
 14 in the preceding sentence supersedes any other authoriza-
 15 tion of appropriations (definite or indefinite) for such pur-
 16 pose for fiscal year 2001.

17 **TITLE V—MILITARY PERSONNEL** 18 **POLICY**

Subtitle A—Officer Personnel Policy

- Sec. 501. Eligibility of Army and Air Force Reserve colonels and brigadier generals for position vacancy promotions.
- Sec. 502. Flexibility in establishing promotion zones for Coast Guard Reserve officers.
- Sec. 503. Time for release of reports of officer promotion selection boards.
- Sec. 504. Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration.
- Sec. 505. Authority to issue posthumous commissions in the case of members dying before official recommendation for appointment or promotion is approved by Secretary concerned.
- Sec. 506. Technical corrections relating to retired grade of reserve commissioned officers.
- Sec. 507. Grade of chiefs of reserve components and directors of National Guard components.

Sec. 508. Revision to rules for entitlement to separation pay for regular and reserve officers.

Subtitle B—Reserve Component Personnel Policy

- Sec. 521. Exemption from active-duty list for reserve officers on active duty for a period of three years or less.
- Sec. 522. Termination of application requirement for consideration of officers for continuation on the reserve active-status list.
- Sec. 523. Authority to retain Air Force Reserve officers in all medical specialties until specified age.
- Sec. 524. Authority for provision of legal services to reserve component members following release from active duty.
- Sec. 525. Extension of involuntary civil service retirement date for certain reserve technicians.

Subtitle C—Education and Training

- Sec. 531. Eligibility of children of Reserves for Presidential appointment to service academies.
- Sec. 532. Selection of foreign students to receive instruction at service academies.
- Sec. 533. Revision of college tuition assistance program for members of Marine Corps Platoon Leaders Class program.
- Sec. 534. Review of allocation of Junior Reserve Officers Training Corps units among the services.
- Sec. 535. Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development.

Subtitle D—Decorations, Awards, and Commendations

- Sec. 541. Limitation on award of Bronze Star to members in receipt of imminent danger pay.
- Sec. 542. Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the Armed Forces and other qualified persons.
- Sec. 543. Waiver of time limitations for award of certain decorations to certain persons.
- Sec. 544. Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. Arizona who died in the Japanese attack on Pearl Harbor on December 7, 1941.
- Sec. 545. Sense of Congress on the court-martial conviction of Captain Charles Butler McVay, Commander of the U.S.S. Indianapolis, and on the courageous service of the crew of that vessel.
- Sec. 546. Posthumous advancement on retired list of Rear Admiral Husband E. Kimmel and Major General Walter C. Short, senior officers in command in Hawaii on December 7, 1941.
- Sec. 547. Commendation of citizens of Remy, France, for World War II actions.
- Sec. 548. Authority for Award of the Medal of Honor to William H. Pitsenbarger for valor during the Vietnam War.

Subtitle E—Military Justice and Legal Assistance Matters

- Sec. 551. Recognition by States of military testamentary instruments.

Sec. 561. Army recruiting pilot programs.

Sec. 562. Enhancement of recruitment market research and advertising programs.

Sec. 563. Access to secondary schools for military recruiting purposes.

Sec. 564. Pilot program to enhance military recruiting by improving military awareness of school counselors and educators.

Sec. 571. Extension to end of calendar year of expiration date for certain force drawdown transition authorities.

Sec. 572. Voluntary separation incentive.

Sec. 573. Congressional review period for assignment of women to duty on submarines and for any proposed reconfiguration or design of submarines to accommodate female crew members.

Sec. 574. Management and per diem requirements for members subject to lengthy or numerous deployments.

Sec. 575. Pay in lieu of allowance for funeral honors duty.

Sec. 576. Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs.

Sec. 577. National Guard Challenge Program.

Sec. 578. Study of use of civilian contractor pilots for operational support missions.

Sec. 579. Reimbursement for expenses incurred by members in connection with cancellation of leave on short notice.

6 Section 14315(b) of title 10, United States Code, is
7 amended—

1 (1) in paragraph (1), by inserting after “(A) is
 2 assigned to the duties of a general officer of the next
 3 higher reserve grade in the Army Reserve” the fol-
 4 lowing: “or is recommended for such an assignment
 5 under regulations prescribed by the Secretary of the
 6 Army”; and

7 (2) in paragraph (2), by inserting after “(A) is
 8 assigned to the duties of a general officer of the next
 9 higher reserve grade” the following: “or is rec-
 10 ommended for such an assignment under regulations
 11 prescribed by the Secretary of the Air Force”.

12 **SEC. 502. FLEXIBILITY IN ESTABLISHING PROMOTION**
 13 **ZONES FOR COAST GUARD RESERVE OFFI-**
 14 **CERS.**

15 (a) COAST GUARD RESERVE OFFICER PROMOTION
 16 SYSTEM BASED ON DOD ROPMA SYSTEM.—Section
 17 729(d) of title 14, United States Code, is amended to read
 18 as follows:

19 “(d)(1) Before convening a selection board to rec-
 20 ommend Reserve officers for promotion, the Secretary
 21 shall establish a promotion zone for officers serving in
 22 each grade to be considered by the board. The Secretary
 23 shall determine the number of officers in the promotion
 24 zone for officers serving in any grade from among officers
 25 who are eligible for promotion in that grade.

1 “(2)(A) Before convening a selection board to rec-
2 ommend Reserve officers for promotion to a grade (other
3 than the grade of lieutenant (junior grade)), the Secretary
4 shall determine the maximum number of officers in that
5 grade that the board may recommend for promotion.

6 “(B) The Secretary shall make the determination
7 under subparagraph (A) of the maximum number that
8 may be recommended with a view to having in an active
9 status a sufficient number of Reserve officers in each
10 grade to meet the needs of the Coast Guard for Reserve
11 officers in an active status.

12 “(C) In order to make the determination under sub-
13 paragraph (B), the Secretary shall determine the fol-
14 lowing:

15 “(i) The number of positions needed to accom-
16 plish mission objectives that require officers in the
17 grade to which the board will recommend officers for
18 promotion.

19 “(ii) The estimated number of officers needed
20 to fill vacancies in such positions during the period
21 in which it is anticipated that officers selected for
22 promotion will be promoted.

23 “(iii) The number of officers authorized by the
24 Secretary to serve in an active status in the grade
25 under consideration.

1 “(iv) Any statutory limitation on the number of
2 officers in any grade authorized to be in an active
3 status.

4 “(3)(A) The Secretary may, when the needs of the
5 Coast Guard require, authorize the consideration of offi-
6 cers in a grade above lieutenant (junior grade) for pro-
7 motion to the next higher grade from below the promotion
8 zone.

9 “(B) When selection from below the promotion zone
10 is authorized, the Secretary shall establish the number of
11 officers that may be recommended for promotion from
12 below the promotion zone. That number may not exceed
13 the number equal to 10 percent of the maximum number
14 of officers that the board is authorized to recommend for
15 promotion, except that the Secretary may authorize a
16 greater number, not to exceed 15 percent of the total num-
17 ber of officers that the board is authorized to recommend
18 for promotion, if the Secretary determines that the needs
19 of the Coast Guard so require. If the maximum number
20 determined under this subparagraph is less than one, the
21 board may recommend one officer for promotion from
22 below the promotion zone.

23 “(C) The number of officers recommended for pro-
24 motion from below the promotion zone does not increase

1 the maximum number of officers that the board is author-
2 ized to recommend for promotion under paragraph (2).”.

3 (b) RUNNING MATE SYSTEM MADE OPTIONAL.—(1)

4 Section 731 of such title is amended—

5 (A) by designating the text of such section as
6 subsection (b);

7 (B) by inserting after the section heading the
8 following:

9 “(a) AUTHORITY TO USE RUNNING MATE SYS-
10 TEM.—The Secretary may by regulation implement sec-
11 tion 729(d)(1) of this title by requiring that the promotion
12 zone for consideration of Reserve officers in an active sta-
13 tus for promotion to the next higher grade be determined
14 in accordance with a running mate system as provided in
15 subsection (b).”;

16 (C) in subsection (b), as designated by subpara-
17 graph (A), by striking “Subject to the eligibility re-
18 quirements of this subchapter, a Reserve officer
19 shall” and inserting the following: “CONSIDERATION
20 FOR PROMOTION.—If promotion zones are deter-
21 mined as authorized under subsection (a), a Reserve
22 officer shall, subject to the eligibility requirements of
23 this subchapter,”; and

24 (D) by adding at the end the following:

1 “(c) CONSIDERATION OF OFFICERS BELOW THE
 2 ZONE.—If the Secretary authorizes the selection of offi-
 3 cers for promotion from below the promotion zone in ac-
 4 cordance with section 729(d)(3) of this title, the number
 5 of officers to be considered from below the zone may be
 6 established through the application of the running mate
 7 system under this subchapter or otherwise as the Sec-
 8 retary determines to be appropriate to meet the needs of
 9 the Coast Guard.”.

10 (2)(A) The heading for such section is amended to
 11 read as follows:

12 **“§ 731. Establishment of promotion zones under run-**
 13 **ning mate system”.**

14 (B) The item relating to such section in the table of
 15 sections at the beginning of chapter 21 of such title is
 16 amended to read as follows:

“731. Establishment of promotion zones under running mate system.”.

17 (c) EFFECTIVE DATE.—The amendments made by
 18 this section shall apply with respect to selection boards
 19 convened under section 730 of title 14, United States
 20 Code, on or after the date of the enactment of this Act.

21 **SEC. 503. TIME FOR RELEASE OF REPORTS OF OFFICER**
 22 **PROMOTION SELECTION BOARDS.**

23 (a) ACTIVE-DUTY LIST OFFICER BOARDS.—Section
 24 618(e) of title 10, United States Code, is amended to read
 25 as follows:

1 “(e)(1) The names of the officers recommended for
2 promotion in the report of a selection board shall be dis-
3 seminated to the armed force concerned as follows:

4 “(A) In the case of officers recommended for
5 promotion to a grade below brigadier general or rear
6 admiral (lower half), such names may be dissemi-
7 nated upon, or at any time after, the transmittal of
8 the report to the President.

9 “(B) In the case of officers recommended for
10 promotion to a grade above colonel or, in the case
11 of the Navy, captain, such names may be dissemi-
12 nated upon, or at any time after, the approval of the
13 report by the President.

14 “(C) In the case of officers whose names have
15 not been sooner disseminated, such names shall be
16 promptly disseminated upon confirmation by the
17 Senate.

18 “(2) A list of names of officers disseminated under
19 paragraph (1) may not include—

20 “(A) any name removed by the President from
21 the report of the selection board containing that
22 name, if dissemination is under the authority of sub-
23 paragraph (B) of such paragraph; or

24 “(B) the name of any officer whose promotion
25 the Senate failed to confirm, if dissemination is

1 under the authority of subparagraph (C) of such
2 paragraph.”.

3 (b) RESERVE ACTIVE-STATUS LIST OFFICER
4 BOARDS.—The text of section 14112 of title 10, United
5 States Code, is amended to read as follows:

6 “(a) TIME FOR DISSEMINATION.—The names of the
7 officers recommended for promotion in the report of a se-
8 lection board shall be disseminated to the armed force con-
9 cerned as follows:

10 “(1) In the case of officers recommended for
11 promotion to a grade below brigadier general or rear
12 admiral (lower half), such names may be dissemi-
13 nated upon, or at any time after, the transmittal of
14 the report to the President.

15 “(2) In the case of officers recommended for
16 promotion to a grade above colonel or, in the case
17 of the Navy, captain, such names may be dissemi-
18 nated upon, or at any time after, the approval of the
19 report by the President.

20 “(3) In the case of officers whose names have
21 not been sooner disseminated, such names shall be
22 promptly disseminated—

23 “(A) upon confirmation of the promotion
24 of the officers by the Senate (in the case of pro-

1 motions required to be submitted to the Senate
2 for confirmation); or

3 “(B) upon the approval of the report by
4 the President (in the case of promotions not re-
5 quired to be submitted to the Senate for con-
6 firmation).

7 “(b) NAMES NOT DISSEMINATED.—A list of names
8 of officers disseminated under subsection (a) may not
9 include—

10 “(1) any name removed by the President from
11 the report of the selection board containing that
12 name, if dissemination is under the authority of
13 paragraph (2) or (3)(B) of that subsection; or

14 “(2) the name of any officer whose promotion
15 the Senate failed to confirm, if dissemination is
16 under the authority of paragraph (3)(A) of that sub-
17 section.”.

18 **SEC. 504. CLARIFICATION OF REQUIREMENTS FOR COM-**
19 **POSITION OF ACTIVE-DUTY LIST SELECTION**
20 **BOARDS WHEN RESERVE OFFICERS ARE**
21 **UNDER CONSIDERATION.**

22 (a) CLARIFICATION.—Section 612(a) of title 10,
23 United States Code, is amended—

24 (1) in paragraph (1)—

1 (A) by striking “who are on the active-duty
2 list” in the second sentence; and

3 (B) by inserting after the second sentence
4 the following new sentence: “Each member of a
5 selection board (except as provided in para-
6 graphs (2), (3), and (4)) shall be an officer on
7 the active-duty list.”; and
8 (2) in paragraph (3)—

9 (A) by striking “of that armed force, with
10 the exact number of reserve officers to be” and
11 inserting “of that armed force on active duty
12 (whether or not on the active-duty list). The ac-
13 tual number of reserve officers shall be”; and

14 (B) by striking “his discretion, except
15 that” and inserting “the Secretary’s discretion.
16 Notwithstanding the first sentence of this para-
17 graph,”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall apply to any selection board convened
20 under section 611(a) of title 10, United States Code, on
21 or after August 1, 1981.

1 **SEC. 505. AUTHORITY TO ISSUE POSTHUMOUS COMMIS-**
2 **SIONS IN THE CASE OF MEMBERS DYING BE-**
3 **FORE OFFICIAL RECOMMENDATION FOR AP-**
4 **POINTMENT OR PROMOTION IS APPROVED**
5 **BY SECRETARY CONCERNED.**

6 (a) REPEAL OF LIMITATION TO DEATHS OCCURRING
7 AFTER SECRETARIAL APPROVAL.—Subsection (a)(3) of
8 section 1521 of title 10, United States Code, is amended
9 by striking “and the recommendation for whose appoint-
10 ment or promotion was approved by the Secretary con-
11 cerned”.

12 (b) EFFECTIVE DATE OF COMMISSION.—Subsection
13 (b) of such section is amended by striking “approval” both
14 places it appears and inserting “official recommendation”.

15 **SEC. 506. TECHNICAL CORRECTIONS RELATING TO RE-**
16 **TIRED GRADE OF RESERVE COMMISSIONED**
17 **OFFICERS.**

18 (a) ARMY.—Section 3961(a) of title 10, United
19 States Code, is amended by striking “or for nonregular
20 service under chapter 1223 of this title”.

21 (b) AIR FORCE.—Section 8961(a) of title 10, United
22 States Code, is amended by striking “or for nonregular
23 service under chapter 1223 of this title”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 subsections (a) and (b) shall apply to Reserve commis-
26 sioned officers who are promoted to a higher grade as a

1 result of selection for promotion by a board convened
2 under chapter 36 or 1403 of title 10, United States Code,
3 or having been found qualified for Federal recognition in
4 a higher grade under chapter 3 of title 32, United States
5 Code, after October 1, 1996.

6 **SEC. 507. GRADE OF CHIEFS OF RESERVE COMPONENTS**
7 **AND DIRECTORS OF NATIONAL GUARD COM-**
8 **PONENTS.**

9 (a) CHIEF OF ARMY RESERVE.—Subsections (b) and
10 (c) of section 3038 of title 10, United States Code, are
11 amended to read as follows:

12 “(b) APPOINTMENT.—(1) The President, by and with
13 the advice and consent of the Senate, shall appoint the
14 Chief of Army Reserve from general officers of the Army
15 Reserve who have had at least 10 years of commissioned
16 service in the Army Reserve.

17 “(2) The Secretary of Defense may not recommend
18 an officer to the President for appointment as Chief of
19 Army Reserve unless the officer—

20 “(A) is recommended by the Secretary of the
21 Army; and

22 “(B) is determined by the Chairman of the
23 Joint Chiefs of Staff, in accordance with criteria and
24 as a result of a process established by the Chairman,
25 to have significant joint duty experience.

1 “(3) An officer on active duty for service as the Chief
2 of Army Reserve shall be counted for purposes of the
3 grade limitations under sections 525 and 526 of this title.

4 “(4) Until October 1, 2003, the Secretary of Defense
5 may waive subparagraph (B) of paragraph (2) with re-
6 spect to the appointment of an officer as Chief of Army
7 Reserve if the Secretary of the Army requests the waiver
8 and, in the judgment of the Secretary of Defense—

9 “(A) the officer is qualified for service in the
10 position; and

11 “(B) the waiver is necessary for the good of the
12 service.

13 Any such waiver shall be made on a case-by-case basis.

14 “(c) TERM; REAPPOINTMENT; GRADE.—(1) The
15 Chief of Army Reserve is appointed for a period of four
16 years, but may be removed for cause at any time. An offi-
17 cer serving as Chief of Army Reserve may be reappointed
18 for one additional four-year period.

19 “(2) The Chief of Army Reserve, while so serving,
20 holds the grade of lieutenant general.”.

21 (b) CHIEF OF NAVAL RESERVE.—Subsections (b)
22 and (c) of section 5143 of such title are amended to read
23 as follows:

24 “(b) APPOINTMENT.—(1) The President, by and with
25 the advice and consent of the Senate, shall appoint the

1 Chief of Naval Reserve from flag officers of the Navy (as
2 defined in section 5001(1)) who have had at least 10 years
3 of commissioned service.

4 “(2) The Secretary of Defense may not recommend
5 an officer to the President for appointment as Chief of
6 Naval Reserve unless the officer—

7 “(A) is recommended by the Secretary of the
8 Navy; and

9 “(B) is determined by the Chairman of the
10 Joint Chiefs of Staff, in accordance with criteria and
11 as a result of a process established by the Chairman,
12 to have significant joint duty experience.

13 “(3) An officer on active duty for service as the Chief
14 of Naval Reserve shall be counted for purposes of the
15 grade limitations under sections 525 and 526 of this title.

16 “(4) Until October 1, 2003, the Secretary of Defense
17 may waive subparagraph (B) of paragraph (2) with re-
18 spect to the appointment of an officer as Chief of Naval
19 Reserve if the Secretary of the Navy requests the waiver
20 and, in the judgment of the Secretary of Defense—

21 “(A) the officer is qualified for service in the
22 position; and

23 “(B) the waiver is necessary for the good of the
24 service.

25 Any such waiver shall be made on a case-by-case basis.

1 “(c) TERM; REAPPOINTMENT; GRADE.—(1) The
2 Chief of Naval Reserve is appointed for a term determined
3 by the Chief of Naval Operations, normally four years, but
4 may be removed for cause at any time. An officer serving
5 as Chief of Naval Reserve may be reappointed for one ad-
6 ditional term of up to four years.

7 “(2) The Chief of Naval Reserve, while so serving,
8 holds the grade of vice admiral.”.

9 (c) COMMANDER, MARINE FORCES RESERVE.—Sub-
10 sections (b) and (c) of section 5144 of such title are
11 amended to read as follows:

12 “(b) APPOINTMENT.—(1) The President, by and with
13 the advice and consent of the Senate, shall appoint the
14 Commander, Marine Forces Reserve, from general officers
15 of the Marine Corps (as defined in section 5001(2)) who
16 have had at least 10 years of commissioned service.

17 “(2) The Secretary of Defense may not recommend
18 an officer to the President for appointment as Com-
19 mander, Marine Forces Reserve, unless the officer—

20 “(A) is recommended by the Secretary of the
21 Navy; and

22 “(B) is determined by the Chairman of the
23 Joint Chiefs of Staff, in accordance with criteria and
24 as a result of a process established by the Chairman,
25 to have significant joint duty experience.

1 “(3) An officer on active duty for service as the Com-
2 mander, Marine Forces Reserve, shall be counted for pur-
3 poses of the grade limitations under sections 525 and 526
4 of this title.

5 “(4) Until October 1, 2003, the Secretary of Defense
6 may waive subparagraph (B) of paragraph (2) with re-
7 spect to the appointment of an officer as Commander, Ma-
8 rine Forces Reserve, if the Secretary of the Navy requests
9 the waiver and, in the judgment of the Secretary of
10 Defense—

11 “(A) the officer is qualified for service in the
12 position; and

13 “(B) the waiver is necessary for the good of the
14 service.

15 Any such waiver shall be made on a case-by-case basis.

16 “(c) TERM; REAPPOINTMENT; GRADE.—(1) The
17 Commander, Marine Forces Reserve, is appointed for a
18 term determined by the Commandant of the Marine
19 Corps, normally four years, but may be removed for cause
20 at any time. An officer serving as Commander, Marine
21 Forces Reserve, may be reappointed for one additional
22 term of up to four years.

23 “(2) The Commander, Marine Forces Reserve, while
24 so serving, holds the grade of lieutenant general.”.

1 (d) CHIEF OF AIR FORCE RESERVE.—Subsections
2 (b) and (c) of section 8038 of such title are amended to
3 read as follows:

4 “(b) APPOINTMENT.—(1) The President, by and with
5 the advice and consent of the Senate, shall appoint the
6 Chief of Air Force Reserve from general officers of the
7 Air Force Reserve who have had at least 10 years of com-
8 missioned service in the Air Force.

9 “(2) The Secretary of Defense may not recommend
10 an officer to the President for appointment as Chief of
11 Air Force Reserve unless the officer—

12 “(A) is recommended by the Secretary of the
13 Air Force; and

14 “(B) is determined by the Chairman of the
15 Joint Chiefs of Staff, in accordance with criteria and
16 as a result of a process established by the Chairman,
17 to have significant joint duty experience.

18 “(3) An officer on active duty for service as the Chief
19 of Air Force Reserve shall be counted for purposes of the
20 grade limitations under sections 525 and 526 of this title.

21 “(4) Until October 1, 2003, the Secretary of Defense
22 may waive subparagraph (B) of paragraph (2) with re-
23 spect to the appointment of an officer as Chief of Air
24 Force Reserve if the Secretary of the Air Force requests

1 the waiver and, in the judgment of the Secretary of
2 Defense—

3 “(A) the officer is qualified for service in the
4 position; and

5 “(B) the waiver is necessary for the good of the
6 service.

7 Any such waiver shall be made on a case-by-case basis.

8 “(c) TERM; REAPPOINTMENT; GRADE.—(1) The
9 Chief of Air Force Reserve is appointed for a period of
10 four years, but may be removed for cause at any time.
11 An officer serving as Chief of Air Force Reserve may be
12 reappointed for one additional four-year period.

13 “(2) The Chief of Air Force Reserve, while so serving,
14 holds the grade of lieutenant general.”.

15 (e) DIRECTORS IN THE NATIONAL GUARD BU-
16 REAU.—Section 10506(a) of such title is amended—

17 (1) in subparagraphs (A) and (B) of paragraph
18 (1), by striking “while so serving shall hold the
19 grade of major general or, if appointed to that posi-
20 tion in accordance with section 12505(a)(2) of this
21 title, the grade of lieutenant general, and” and in-
22 serting “shall be appointed in accordance with para-
23 graph (3), shall hold the grade of lieutenant general
24 while so serving, and shall”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(3)(A) The President, by and with the advice and
4 consent of the Senate, shall appoint the Director, Army
5 National Guard, from general officers of the Army Na-
6 tional Guard of the United States and shall appoint the
7 Director, Air National Guard, from general officers of the
8 Air National Guard of the United States.

9 “(B) The Secretary of Defense may not recommend
10 an officer to the President for appointment as Director,
11 Army National Guard, or as Director, Air National Guard,
12 unless the officer—

13 “(i) is recommended by the Secretary of the
14 military department concerned; and

15 “(ii) is determined by the Chairman of the
16 Joint Chiefs of Staff, in accordance with criteria and
17 as a result of a process established by the Chairman,
18 to have significant joint duty experience.

19 “(C) An officer on active duty for service as the Di-
20 rector, Army National Guard, or the Director, Air Na-
21 tional Guard, shall be counted for purposes of the grade
22 limitations under sections 525 and 526 of this title.

23 “(D) Until October 1, 2003, the Secretary of Defense
24 may waive clause (ii) of subparagraph (B) with respect
25 to the appointment of an officer as Director, Army Na-

1 tional Guard, or as Director, Air National Guard, if the
2 Secretary of the military department concerned requests
3 the waiver and, in the judgment of the Secretary of
4 Defense—

5 “(i) the officer is qualified for service in the po-
6 sition; and

7 “(ii) the waiver is necessary for the good of the
8 service.

9 Any such waiver shall be made on a case-by-case basis.

10 “(E) The Director, Army National Guard, and the
11 Director, Air National Guard, are appointed for a period
12 of four years, but may be removed for cause at any time.
13 An officer serving as either Director may be reappointed
14 for one additional four-year period.”.

15 (f) REPEAL OF SUPERSEDED SECTION.—(1) Section
16 12505 of such title is repealed.

17 (2) The table of sections at the beginning of chapter
18 1213 is amended by striking the item relating to section
19 12505.

20 (g) CONFORMING INCREASE IN AUTHORIZED NUM-
21 BER OF O-9 POSITIONS.—Section 525(b) of such title is
22 amended—

23 (1) in paragraph (1)—

1 (A) by striking “Army, Air Force, or Ma-
2 rine Corps” in the first sentence and inserting
3 “Army or Air Force”;

4 (B) by striking “15 percent” both places it
5 appears and inserting “15.7 percent”;

6 (C) by striking “In the case of the Army
7 and Air Force, of” at the beginning of the sec-
8 ond sentence and inserting “Of”; and

9 (D) by inserting “of the Army or Air
10 Force” in the second sentence after “general of-
11 ficers”; and

12 (2) in paragraph (2)—

13 (A) by inserting “(A)” after “(2)”;

14 (B) by striking “15 percent” both places it
15 appears and inserting “15.7 percent”; and

16 (C) by adding at the end the following:

17 “(B) No appointment may be made in a grade above
18 major general in the Marine Corps if that appointment
19 would result in more than 16.2 percent of the general offi-
20 cers of the Marine Corps on active duty being in grades
21 above major general.”.

22 (h) STUDY OF INCREASE IN GRADE FOR VICE CHIEF
23 OF NATIONAL GUARD BUREAU.—(1) The Secretary of
24 Defense shall conduct a study of the advisability of chang-

1 ing the grade authorized for the Vice Chief of the National
2 Guard Bureau from major general to lieutenant general.

3 (2) As part of the study, the Chief of the National
4 Guard Bureau shall submit to the Secretary of Defense
5 an analysis of the functions and responsibilities of the Vice
6 Chief of the National Guard Bureau and the Chief's rec-
7 ommendation as to whether the grade for the Vice Chief
8 should be changed from major general to lieutenant gen-
9 eral.

10 (3) Not later than February 1, 2001, the Secretary
11 shall submit to the Committees on Armed Services of the
12 Senate and House of Representatives a report on the
13 study. The report shall include the following—

14 (A) the recommendation of the Chief of the Na-
15 tional Guard Bureau and any other information pro-
16 vided by the Chief to the Secretary of Defense pur-
17 suant to paragraph (2);

18 (B) the conclusions resulting from the study;
19 and

20 (C) the Secretary's recommendations regarding
21 whether the grade authorized for the Vice Chief of
22 the National Guard Bureau should be changed to
23 lieutenant general.

24 (i) IMPLEMENTATION.—(1) An appointment or re-
25 appointment, in the case of the incumbent in a reserve

1 component chief position, shall be made to each of the re-
2 serve component chief positions not later than 12 months
3 after the date of the enactment of this Act, in accordance
4 with the amendments made by subsections (a) through (e).

5 (2) An officer serving in a reserve component chief
6 position on the date of the enactment of this Act may be
7 reappointed to that position under the amendments made
8 by subsection (a) through (e), if eligible and otherwise
9 qualified in accordance with those amendments. If such
10 an officer is so reappointed, the appointment may be made
11 for the remainder of the officer's original term or for a
12 full new term, as specified at the time of the appointment.

13 (3) An officer serving on the date of the enactment
14 of this Act in a reserve component chief position may con-
15 tinue to serve in that position in accordance with the pro-
16 visions of law in effect immediately before the amend-
17 ments made by this section until a successor is appointed
18 under paragraph (1) (or that officer is reappointed under
19 paragraph (1)).

20 (4) The amendments made by subsection (g) shall be
21 implemented so that each increase authorized by those
22 amendments in the number of officers in the grades of
23 lieutenant general and vice admiral is implemented on a
24 case-by-case basis with an initial appointment made after

1 the date of the enactment of this Act, as specified in para-
2 graph (1), to a reserve component chief position.

3 (5) For purposes of this subsection, the term “reserve
4 component chief position” means a position specified in
5 section 3038, 5143, 5144, or 8038 of title 10, United
6 States Code, or the position of Director, Army National
7 Guard or Director, Air National Guard under section
8 10506(a)(1) of such title.

9 **SEC. 508. REVISION TO RULES FOR ENTITLEMENT TO SEPA-**
10 **RATION PAY FOR REGULAR AND RESERVE**
11 **OFFICERS.**

12 (a) REGULAR OFFICERS.—Subsection (a) of section
13 1174 of title 10, United States Code, is amended by add-
14 ing at the end the following new paragraph:

15 “(4) Notwithstanding paragraphs (1) and (2), an of-
16 ficer who is subject to discharge under any provision of
17 chapter 36 of this title or under section 580 or 6383 of
18 this title by reason of having twice failed of selection for
19 promotion to the next higher grade is not entitled to sepa-
20 ration pay under this section if that officer, after such sec-
21 ond failure of selection for promotion, is selected for, and
22 declines, continuation on active duty for a period that is
23 equal to or more than the amount of service required to
24 qualify the officer for retirement.”.

1 (b) RESERVE OFFICERS.—Subsection (c) of such sec-
2 tion is amended by adding at the end the following new
3 paragraph:

4 “(4) In the case of an officer who is subject to dis-
5 charge or release from active duty under a law or regula-
6 tion requiring that an officer who has failed of selection
7 for promotion to the next higher grade for the second time
8 be discharged or released from active duty and who, after
9 such second failure of selection for promotion, is selected
10 for, and declines, continuation on active duty—

11 “(A) if the period of time for which the officer
12 was selected for continuation on active duty is less
13 than the amount of service that would be required
14 to qualify the officer for retirement, the officer’s dis-
15 charge or release from active duty shall be consid-
16 ered to be involuntary for purposes of paragraph
17 (1)(A); and

18 “(B) if the period of time for which the officer
19 was selected for continuation on active duty is equal
20 to or more than the amount of service that would be
21 required to qualify the officer for retirement, the of-
22 ficer’s discharge or release from active duty shall not
23 be considered to be involuntary for the purposes of
24 paragraph (1)(A).”.

1 (c) EFFECTIVE DATE.—Paragraph (4) of section
 2 1174(a) of title 10, United States Code, as added by sub-
 3 section (a), and paragraph (4) of section 1174(c) of such
 4 title, as added by subsection (b), shall apply with respect
 5 to any offer of selective continuation on active duty that
 6 is declined on or after the date of the enactment of this
 7 Act.

8 **Subtitle B—Reserve Component**

9 **Personnel Policy**

10 **SEC. 521. EXEMPTION FROM ACTIVE-DUTY LIST FOR RE-**

11 **SERVE OFFICERS ON ACTIVE DUTY FOR A PE-**

12 **RIOD OF THREE YEARS OR LESS.**

13 Section 641(1) of title 10, United States Code, is
 14 amended—

15 (1) by redesignating subparagraphs (D)
 16 through (G) as subparagraphs (E) through (H), re-
 17 spectively; and

18 (2) by inserting after subparagraph (C) the fol-
 19 lowing new subparagraph:

20 “(D) on the reserve active-status list who
 21 are on active duty under section 12301(d) of
 22 this title, other than as provided in subpara-
 23 graph (C), under a call or order to active duty
 24 specifying a period of three years or less;”.

1 **SEC. 522. TERMINATION OF APPLICATION REQUIREMENT**
2 **FOR CONSIDERATION OF OFFICERS FOR**
3 **CONTINUATION ON THE RESERVE ACTIVE-**
4 **STATUS LIST.**

5 Section 14701(a)(1) of title 10, United States Code,
6 is amended by striking “Upon application, a reserve offi-
7 cer” and inserting “A reserve officer”.

8 **SEC. 523. AUTHORITY TO RETAIN AIR FORCE RESERVE OF-**
9 **FICERS IN ALL MEDICAL SPECIALTIES UNTIL**
10 **SPECIFIED AGE.**

11 Section 14703(a)(3) of title 10, United States Code,
12 is amended by striking “veterinary officer” and all that
13 follows through the period and inserting “Air Force nurse,
14 Medical Service Corps officer, biomedical sciences officer,
15 or chaplain.”.

16 **SEC. 524. AUTHORITY FOR PROVISION OF LEGAL SERVICES**
17 **TO RESERVE COMPONENT MEMBERS FOL-**
18 **LOWING RELEASE FROM ACTIVE DUTY.**

19 (a) **LEGAL SERVICES.**—Section 1044(a) of title 10,
20 United States Code, is amended—

21 (1) by redesignating paragraph (4) as para-
22 graph (5); and

23 (2) by inserting after paragraph (3) the fol-
24 lowing new paragraph (4):

25 “(4) Members of reserve components not cov-
26 ered by paragraph (1) or (2) following release from

1 active duty under a call or order to active duty for
 2 more than 30 days issued under a mobilization au-
 3 thority (as determined by the Secretary of Defense),
 4 for a period of time, prescribed by the Secretary of
 5 Defense, that begins on the date of the release and
 6 is not less than twice the length of the period served
 7 on active duty under that call or order to active
 8 duty.”.

9 (b) DEPENDENTS.—Paragraph (5) of such section,
 10 as redesignated by subsection (a)(1), is amended by strik-
 11 ing “and (3)” and inserting “(3), and (4)”.

12 (c) IMPLEMENTING REGULATIONS.—Regulations to
 13 implement the amendments made by this section shall be
 14 prescribed not later than 180 days after the date of the
 15 enactment of this Act.

16 **SEC. 525. EXTENSION OF INVOLUNTARY CIVIL SERVICE RE-**
 17 **TIREMENT DATE FOR CERTAIN RESERVE**
 18 **TECHNICIANS.**

19 (a) MANDATORY RETIREMENT NOT APPLICABLE
 20 UNTIL AGE 60.—Section 10218 of title 10, United States
 21 Code, is amended—

22 (1) in subsection (a)—

23 (A) by inserting “and is age 60 or older at
 24 that time” after “unreduced annuity” in para-
 25 graph (2);

1 (B) by inserting “or is under age 60 at
2 that time” after “unreduced annuity” in para-
3 graph (3)(A); and

4 (C) by inserting “and becoming 60 years
5 of age” after “unreduced annuity” in para-
6 graph (3)(B)(ii)(I); and

7 (2) in subsection (b)—

8 (A) by inserting “and is age 60 or older”
9 after “unreduced annuity” in paragraph (1);

10 (B) by inserting “or is under age 60” after
11 “unreduced annuity” in paragraph (2)(A); and

12 (C) by inserting “and becoming 60 years
13 of age” after “unreduced annuity” in para-
14 graph (2)(B)(ii)(I).

15 (b) TRANSITION PROVISION.—(1) An individual who
16 before the date of the enactment of this Act was involun-
17 tarily separated or retired from employment as an Army
18 Reserve or Air Force Reserve technician under section
19 10218 of title 10, United States Code, and who would not
20 have been so separated if the provisions of subsection (c)
21 of that section, as amended by subsection (a), had been
22 in effect at the time of such separation may, with the ap-
23 proval of the Secretary concerned, be reinstated to the
24 technician status held by that individual immediately be-
25 fore that separation. The effective date of any such rein-

1 statement is the date the employee resumes technician sta-
2 tus.

3 (2) The authority under paragraph (1) applies only
4 to reinstatement for which an application is received by
5 the Secretary concerned before the end of the one-year pe-
6 riod beginning on the date of the enactment of this Act.

7 **Subtitle C—Education and** 8 **Training**

9 **SEC. 531. ELIGIBILITY OF CHILDREN OF RESERVES FOR** 10 **PRESIDENTIAL APPOINTMENT TO SERVICE** 11 **ACADEMIES.**

12 (a) UNITED STATES MILITARY ACADEMY.—Section
13 4342(b)(1) of title 10, United States Code, is amended—

14 (1) in subparagraph (B), by striking “, other
15 than those granted retired pay under section 12731
16 of this title (or under section 1331 of this title as
17 in effect before the effective date of the Reserve Of-
18 ficer Personnel Management Act)”; and

19 (2) by inserting after subparagraph (B) the fol-
20 lowing:

21 “(C) are serving as members of reserve
22 components and are credited with at least eight
23 years of service computed under section 12733
24 of this title; or

1 “(D) would be, or who died while they
2 would have been, entitled to retired pay under
3 chapter 1223 of this title except for not having
4 attained 60 years of age;”.

5 (b) UNITED STATES NAVAL ACADEMY.—Section
6 6954(b)(1) of such title is amended—

7 (1) in subparagraph (B), by striking “, other
8 than those granted retired pay under section 12731
9 of this title (or under section 1331 of this title as
10 in effect before the effective date of the Reserve Of-
11 ficer Personnel Management Act)”; and

12 (2) by inserting after subparagraph (B) the fol-
13 lowing:

14 “(C) are serving as members of reserve
15 components and are credited with at least eight
16 years of service computed under section 12733
17 of this title; or

18 “(D) would be, or who died while they
19 would have been, entitled to retired pay under
20 chapter 1223 of this title except for not having
21 attained 60 years of age;”.

22 (c) UNITED STATES AIR FORCE ACADEMY.—Section
23 9342(b)(1) of such title is amended—

24 (1) in subparagraph (B), by striking “, other
25 than those granted retired pay under section 12731

1 of this title (or under section 1331 of this title as
2 in effect before the effective date of the Reserve Of-
3 ficer Personnel Management Act)”; and

4 (2) by inserting after subparagraph (B) the fol-
5 lowing:

6 “(C) are serving as members of reserve
7 components and are credited with at least eight
8 years of service computed under section 12733
9 of this title; or

10 “(D) would be, or who died while they
11 would have been, entitled to retired pay under
12 chapter 1223 of this title except for not having
13 attained 60 years of age;”.

14 **SEC. 532. SELECTION OF FOREIGN STUDENTS TO RECEIVE**
15 **INSTRUCTION AT SERVICE ACADEMIES.**

16 (a) UNITED STATES MILITARY ACADEMY.—Section
17 4344(a) of title 10, United States Code, is amended by
18 adding at the end the following new paragraph:

19 “(3) In selecting persons to receive instruction under
20 this section from among applicants from the countries ap-
21 proved under paragraph (2), the Secretary of the Army
22 shall give a priority to persons who have a national service
23 obligation to their countries upon graduation from the
24 Academy.”.

1 (b) UNITED STATES NAVAL ACADEMY.—Section
2 6957(a) of such title is amended by adding at the end
3 the following new paragraph:

4 “(3) In selecting persons to receive instruction under
5 this section from among applicants from the countries ap-
6 proved under paragraph (2), the Secretary of the Navy
7 shall give a priority to persons who have a national service
8 obligation to their countries upon graduation from the
9 Academy.”.

10 (c) UNITED STATES AIR FORCE ACADEMY.—Section
11 9344(a) of such title is amended by adding at the end
12 the following new paragraph:

13 “(3) In selecting persons to receive instruction under
14 this section from among applicants from the countries ap-
15 proved under paragraph (2), the Secretary of the Air
16 Force shall give a priority to persons who have a national
17 service obligation to their countries upon graduation from
18 the Academy.”.

19 (d) APPLICABILITY.—The amendments made by this
20 section shall apply with respect to academic years that
21 begin after October 1, 2000.

1 **SEC. 533. REVISION OF COLLEGE TUITION ASSISTANCE**
2 **PROGRAM FOR MEMBERS OF MARINE CORPS**
3 **PLATOON LEADERS CLASS PROGRAM.**

4 (a) **ELIGIBILITY OF OFFICERS.**—Section 16401 of
5 title 10, United States Code, is amended—

6 (1) in subsection (a), by striking “enlisted” in
7 the matter preceding paragraph (1); and

8 (2) in subsection (b)(1)—

9 (A) by striking “an enlisted member” in
10 the matter preceding subparagraph (A) and in-
11 serting “a member”; and

12 (B) by striking “an officer candidate in” in
13 subparagraph (A) and inserting “a member of”.

14 (b) **REPEAL OF AGE LIMITATIONS.**—Subsection (b)
15 of such section is amended—

16 (1) in paragraph (1)—

17 (A) by striking subparagraph (B);

18 (B) by redesignating subparagraphs (C)
19 and (D) as subparagraphs (B) and (C), respec-
20 tively; and

21 (C) in subparagraph (C), as so redesign-
22 ated, by striking “paragraph (3)” and insert-
23 ing “paragraph (2)”;

24 (2) by striking paragraph (2);

25 (3) by redesignating paragraph (3) as para-
26 graph (2); and

1 (4) in paragraph (2), as so redesignated, by
2 striking “paragraph (1)(D)” and inserting “para-
3 graph (1)(C)”.

4 (c) CANDIDATES FOR LAW DEGREES.—Subsection
5 (a)(2) of such section is amended by striking “three” and
6 inserting “four”.

7 (d) SANCTIONS; EXCEPTIONS.—Subsection (f) of
8 such section is amended—

9 (1) in paragraph (1)—

10 (A) by striking “A member who” and in-
11 serting “An enlisted member who”;

12 (B) by inserting “and an officer who re-
13 ceives financial assistance under this section
14 may be required to repay the full amount of fi-
15 nancial assistance,” after “for more than four
16 years,”; and

17 (C) by inserting “or, if already a commis-
18 sioned officer in the Marine Corps, refuses to
19 accept an assignment on active duty when of-
20 fered” in subparagraph (A) after “when of-
21 fered”; and

22 (2) by striking paragraph (2) and inserting the
23 following:

24 “(2) The Secretary of the Navy may waive the re-
25 quirements of paragraph (1) in the case of a person who—

1 “(A) becomes unqualified to serve on active
2 duty as an officer due to a circumstance not within
3 the control of the person;

4 “(B) is not physically qualified for appointment
5 under section 532 of this title and later is deter-
6 mined by the Secretary of the Navy under section
7 505 of this title to be unqualified for service as an
8 enlisted member of the Marine Corps due to a phys-
9 ical or medical condition that was not the result of
10 misconduct or grossly negligent conduct; or

11 “(C) fails to complete the military or academic
12 requirements of the Marine Corps Platoon Leaders
13 Class program due to a circumstance not within the
14 control of the person.”.

15 (e) CLARIFICATION OF SERVICE EXCLUDED IN COM-
16 PUTATION OF CREDITABLE SERVICE AS A MARINE CORPS
17 OFFICER.—(1) Section 205(f) of title 37, United States
18 Code, is amended by striking “that the officer performed
19 concurrently as a member” and inserting “that the officer
20 performed concurrently as an enlisted member”.

21 (2) Such section is further amended by striking “sec-
22 tion 12209” and inserting “section 12203”.

23 (f) AMENDMENTS OF HEADINGS.—(1) The heading
24 of section 16401 of title 10, United States Code, is amend-
25 ed to read as follows:

1 **“§ 16401. Marine Corps Platoon Leaders Class: college**
 2 **tuition assistance program”.**

3 (2) The heading for subsection (a) of such section
 4 is amended by striking “FOR FINANCIAL ASSISTANCE
 5 PROGRAM”.

6 (g) CLERICAL AMENDMENT.—The item relating to
 7 such section in the table of chapters at the beginning of
 8 chapter 1611 of title 10, United States Code, is amended
 9 to read as follows:

“16401. Marine Corps Platoon Leaders Class: college tuition assistance pro-
 gram.”.

10 **SEC. 534. REVIEW OF ALLOCATION OF JUNIOR RESERVE**
 11 **OFFICERS TRAINING CORPS UNITS AMONG**
 12 **THE SERVICES.**

13 (a) REALLOCATION OF JROTC UNITS.—Not later
 14 than March 31, 2001, the Secretary of Defense shall—

15 (1) review the allocation among the military de-
 16 partments of the statutory maximum number of
 17 Junior Reserve Officers’ Training Corps (JROTC)
 18 units; and

19 (2) redistribute the allocation of those units
 20 planned (as of the date of the enactment of this Act)
 21 for fiscal years 2001 through 2006 so as to increase
 22 the number of units for a military department that
 23 proposes to more quickly eliminate the current wait-

1 ing list for such units and to commit the necessary
2 resources for that purpose.

3 (b) PROPOSAL FOR INCREASE IN STATUTORY MAX-
4 IMUM.—If, based on the review under subsection (a) and
5 the redistribution of the allocation of JROTC units under
6 that subsection, the Secretary determines that an increase
7 in the statutory maximum number of such units is war-
8 ranted, the Secretary shall include a proposal for such an
9 increase in the budget proposal of the Department of De-
10 fense for fiscal year 2002.

11 **SEC. 535. AUTHORITY FOR NAVAL POSTGRADUATE SCHOOL**
12 **TO ENROLL CERTAIN DEFENSE INDUSTRY CI-**
13 **VILIANS IN SPECIFIED PROGRAMS RELATING**
14 **TO DEFENSE PRODUCT DEVELOPMENT.**

15 (a) IN GENERAL.—(1) Chapter 605 of title 10,
16 United States Code, is amended by adding at the end the
17 following new section:

18 **“§ 7049. Defense industry civilians: admission to de-**
19 **fense product development program**

20 “(a) AUTHORITY FOR ADMISSION.—The Secretary of
21 the Navy may permit eligible defense industry employees
22 to receive instruction at the Naval Postgraduate School
23 in accordance with this section. Any such defense industry
24 employee may only be enrolled in, and may only be pro-
25 vided instruction in, a program leading to a masters’s de-

1 gree in a curriculum related to defense product develop-
2 ment. No more than 10 such defense industry employees
3 may be enrolled at any one time. Upon successful comple-
4 tion of the course of instruction in which enrolled, any
5 such defense industry employee may be awarded an appro-
6 priate degree under section 7048 of this title.

7 “(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—
8 For purposes of this section, an eligible defense industry
9 employee is an individual employed by a private firm that
10 is engaged in providing to the Department of Defense sig-
11 nificant and substantial defense-related systems, products,
12 or services. A defense industry employee admitted for in-
13 struction at the school remains eligible for such instruction
14 only so long as that person remains employed by the same
15 firm.

16 “(c) ANNUAL CERTIFICATION BY THE SECRETARY
17 OF THE NAVY.—Defense industry employees may receive
18 instruction at the school during any academic year only
19 if, before the start of that academic year, the Secretary
20 of the Navy determines, and certifies to the Committee
21 on Armed Services of the Senate and the Committee on
22 Armed Services of the House of Representatives, that pro-
23 viding instruction to defense industry employees under
24 this section during that year—

1 “(1) will further the military mission of the
2 school;

3 “(2) will enhance the ability of the Department
4 of Defense and defense-oriented private sector con-
5 tractors engaged in the design and development of
6 defense systems to reduce the product and project
7 lead times required to bring such systems to initial
8 operational capability; and

9 “(3) will be done on a space-available basis and
10 not require an increase in the size of the faculty of
11 the school, an increase in the course offerings of the
12 school, or an increase in the laboratory facilities or
13 other infrastructure of the school.

14 “(d) PROGRAM REQUIREMENTS.—The Secretary of
15 the Navy shall ensure that—

16 “(1) the curriculum for the defense product de-
17 velopment program in which defense industry em-
18 ployees may be enrolled under this section is not
19 readily available through other schools and con-
20 centrates on defense product development functions
21 that are conducted by military organizations and de-
22 fense contractors working in close cooperation; and

23 “(2) the course offerings at the school continue
24 to be determined solely by the needs of the Depart-
25 ment of Defense.

1 “(e) TUITION.—The Superintendent of the school
2 shall charge tuition for students enrolled under this sec-
3 tion at a rate not less than the rate charged for employees
4 of the United States outside the Department of the Navy.

5 “(f) STANDARDS OF CONDUCT.—While receiving in-
6 struction at the school, students enrolled under this sec-
7 tion, to the extent practicable, are subject to the same reg-
8 ulations governing academic performance, attendance,
9 norms of behavior, and enrollment as apply to Government
10 civilian employees receiving instruction at the school.

11 “(g) USE OF FUNDS.—Amounts received by the
12 school for instruction of students enrolled under this sec-
13 tion shall be retained by the school to defray the costs
14 of such instruction. The source, and the disposition, of
15 such funds shall be specifically identified in records of the
16 school.”.

17 (2) The table of sections at the beginning of such
18 chapter is amended by adding at the end the following
19 new item:

“7049. Defense industry civilians: admission to defense product development
program.”.

20 (b) PROGRAM EVALUATION AND REPORT.—(1) Be-
21 fore the start of the fourth year of instruction, but no ear-
22 lier than the start of the third year of instruction, of de-
23 fense industry employees at the Naval Postgraduate
24 School under section 7049 of title 10, United States Code,

1 as added by subsection (a), the Secretary of the Navy shall
2 conduct an evaluation of the admission of such students
3 under that section. The evaluation shall include the fol-
4 lowing:

5 (A) An assessment of whether the authority for
6 instruction of nongovernment civilians at the school
7 has resulted in a discernible benefit for the Govern-
8 ment.

9 (B) Determination of whether the receipt and
10 disposition of funds received by the school as tuition
11 for instruction of such civilians at the school have
12 been properly identified in records of the school.

13 (C) A summary of the disposition and uses
14 made of those funds.

15 (D) An assessment of whether instruction of
16 such civilians at the school is in the best interests
17 of the Government.

18 (2) Not later than 30 days after completing the eval-
19 uation referred to in paragraph (1), the Secretary of the
20 Navy shall submit to the Secretary of Defense a report
21 on the program under such section. The report shall
22 include—

23 (A) the results of the evaluation under para-
24 graph (1);

1 (B) the Secretary's conclusions and rec-
2 ommendation with respect to continuing to allow
3 nongovernment civilians to receive instruction at the
4 Naval Postgraduate School as part of a program re-
5 lated to defense product development; and

6 (C) any proposals for legislative changes rec-
7 ommended by the Secretary.

8 (3) Not later than 60 days after receiving the report
9 of the Secretary of the Navy under paragraph (2), the Sec-
10 retary of Defense shall submit the report, together with
11 any comments that the Secretary considers appropriate,
12 to the Committee on Armed Services of the Senate and
13 the Committee on Armed Services of the House of Rep-
14 resentatives.

15 **Subtitle D—Decorations, Awards,**
16 **and Commendations**

17 **SEC. 541. LIMITATION ON AWARD OF BRONZE STAR TO**
18 **MEMBERS IN RECEIPT OF IMMINENT DAN-**
19 **GER PAY.**

20 (a) IN GENERAL.—Chapter 57 of title 10, United
21 States Code, is amended by adding at the end the fol-
22 lowing new section:

1 **“§ 1133. Bronze Star: limitation to members receiving**
 2 **imminent danger pay**

3 “The decoration known as the ‘Bronze Star’ may only
 4 be awarded to a member of the armed forces who is in
 5 receipt of special pay under section 310 of title 37 at the
 6 time of the events for which the decoration is to be award-
 7 ed or who receives such pay as a result of those events.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 at the beginning of such chapter is amended by adding
 10 at the end the following new item:

“1133. Bronze star: limitation to members receiving imminent danger pay.”.

11 **SEC. 542. CONSIDERATION OF PROPOSALS FOR POST-**
 12 **HUMOUS OR HONORARY PROMOTIONS OR**
 13 **APPOINTMENTS OF MEMBERS OR FORMER**
 14 **MEMBERS OF THE ARMED FORCES AND**
 15 **OTHER QUALIFIED PERSONS.**

16 (a) IN GENERAL.—Chapter 80 of title 10, United
 17 States Code, is amended by adding at the end the fol-
 18 lowing new section:

19 **“§ 1563. Consideration of proposals for posthumous**
 20 **and honorary promotions and appoint-**
 21 **ments: procedures for review and rec-**
 22 **ommendation**

23 “(a) REVIEW BY SECRETARY CONCERNED.—Upon
 24 request of a Member of Congress, the Secretary concerned
 25 shall review a proposal for the posthumous or honorary

1 promotion or appointment of a member or former member
2 of the armed forces, or any other person considered quali-
3 fied, that is not otherwise authorized by law. Based upon
4 such review, the Secretary shall make a determination as
5 to the merits of approving the posthumous or honorary
6 promotion or appointment and the other determinations
7 necessary to comply with subsection (b).

8 “(b) NOTICE OF RESULTS OF REVIEW.—Upon mak-
9 ing a determination under subsection (a) as to the merits
10 of approving the posthumous or honorary promotion or
11 appointment, the Secretary concerned shall submit to the
12 Committee on Armed Services of the Senate and the Com-
13 mittee on Armed Services of the House of Representatives
14 and to the requesting Member of Congress notice in writ-
15 ing of one of the following:

16 “(1) The posthumous or honorary promotion or
17 appointment does not warrant approval on the mer-
18 its.

19 “(2) The posthumous or honorary promotion or
20 appointment warrants approval and authorization by
21 law for the promotion or appointment is rec-
22 ommended.

23 “(3) The posthumous or honorary promotion or
24 appointment warrants approval on the merits and

1 has been recommended to the President as an excep-
 2 tion to policy.

3 “(4) The posthumous or honorary promotion or
 4 appointment warrants approval on the merits and
 5 authorization by law for the promotion or appoint-
 6 ment is required but is not recommended.

7 A notice under paragraph (1) or (4) shall be accompanied
 8 by a statement of the reasons for the decision of the Sec-
 9 retary.

10 “(c) DEFINITION.—In this section, the term ‘Member
 11 of Congress’ means—

12 “(1) a Senator; or

13 “(2) a Representative in, or a Delegate or Resi-
 14 dent Commissioner to, Congress.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
 16 at the beginning of such chapter is amended by adding
 17 at the end the following new item:

“1563. Consideration of proposals for posthumous and honorary promotions and
 appointments: procedures for review and recommendation.”.

18 **SEC. 543. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
 19 **CERTAIN DECORATIONS TO CERTAIN PER-**
 20 **SONS.**

21 (a) WAIVER.—Any limitation established by law or
 22 policy for the time within which a recommendation for the
 23 award of a military decoration or award must be sub-
 24 mitted shall not apply to awards of decorations described

1 in this section, the award of each such decoration having
2 been determined by the Secretary concerned to be war-
3 ranted in accordance with section 1130 of title 10, United
4 States Code.

5 (b) SILVER STAR.—Subsection (a) applies to the
6 award of the Silver Star to Louis Rickler, of Rochester,
7 New York, for gallantry in action from August 18 to No-
8 vember 18, 1918, while serving as a member of the Army.

9 (c) DISTINGUISHED FLYING CROSS.—Subsection (a)
10 applies to the award of the Distinguished Flying Cross
11 for service during World War II or Korea (including mul-
12 tiple awards to the same individual) in the case of each
13 individual concerning whom the Secretary of the Navy (or
14 an officer of the Navy acting on behalf of the Secretary)
15 submitted to the Committee on Armed Services of the
16 House of Representatives and the Committee on Armed
17 Services of the Senate, during the period beginning on Oc-
18 tober 5, 1999, and ending on the day before the date of
19 the enactment of this Act, a notice as provided in section
20 1130(b) of title 10, United States Code, that the award
21 of the Distinguished Flying Cross to that individual is
22 warranted and that a waiver of time restrictions pre-
23 scribed by law for recommendation for such award is rec-
24 ommended.

1 **SEC. 544. ADDITION OF CERTAIN INFORMATION TO MARK-**
2 **ERS ON GRAVES CONTAINING REMAINS OF**
3 **CERTAIN UNKNOWNNS FROM THE U.S.S. ARI-**
4 **ZONA WHO DIED IN THE JAPANESE ATTACK**
5 **ON PEARL HARBOR ON DECEMBER 7, 1941.**

6 (a) INFORMATION TO BE PROVIDED SECRETARY OF
7 VETERANS AFFAIRS.—The Secretary of the Army shall
8 provide to the Secretary of Veterans Affairs certain infor-
9 mation, as specified in subsection (b), pertaining to the
10 remains of certain unknown persons that are interred in
11 the National Memorial Cemetery of the Pacific, Honolulu,
12 Hawaii. The Secretary of Veterans Affairs shall add to
13 the inscriptions on the markers on the graves containing
14 those remains the information provided.

15 (b) INFORMATION TO BE ADDED—The information
16 to be added to grave markers under subsection (a)—

17 (1) shall be determined by the Secretary of the
18 Army, based on a review of the information that, as
19 of the date of the enactment of this Act, has been
20 authenticated by the director of the Naval Historical
21 Center, Washington, D.C., pertaining to the inter-
22 ment of remains of certain unknown casualties from
23 the U.S.S. ARIZONA who died as a result of the
24 Japanese attack on Pearl Harbor on December 7,
25 1941; and

1 (2) shall, at a minimum, indicate that the in-
2 terred remains are from the U.S.S. ARIZONA.

3 (c) LIMITATION OF SCOPE OF SECTION.—This sec-
4 tion does not impose any requirement on the Secretary
5 of the Army to undertake a review of any information per-
6 taining to the interred remains of any unknown person
7 other than as provided in subsection (b).

8 **SEC. 545. SENSE OF CONGRESS ON THE COURT-MARTIAL**
9 **CONVICTION OF CAPTAIN CHARLES BUTLER**
10 **McVAY, COMMANDER OF THE U.S.S. INDIAN-**
11 **APOLIS, AND ON THE COURAGEOUS SERVICE**
12 **OF THE CREW OF THAT VESSEL.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) Shortly after midnight on the morning of
16 July 30, 1945, during the closing days of World
17 War II, the United States Navy heavy cruiser U.S.S.
18 Indianapolis (CA-35) was torpedoed and sunk by
19 the Japanese submarine I-58 in what became the
20 worst sea disaster in the history of the United
21 States Navy.

22 (2) Although approximately 900 of the ship's
23 crew of 1,196 survived the actual sinking, only 316
24 of those courageous sailors survived when rescued
25 after four and a half days adrift in the open sea, the

1 remainder having perishing from battle wounds,
2 drowning, predatory shark attacks, exposure to the
3 elements, and lack of food and potable water.

4 (3) Rescue for the remaining 316 sailors came
5 only when they were spotted by chance by Navy
6 Lieutenant Wilbur C. Gwinn while flying a routine
7 naval air patrol mission.

8 (4) After the end of World War II, the com-
9 manding officer of the U.S.S. Indianapolis, Captain
10 Charles Butler McVay, III, who was rescued with
11 the other survivors, was court-martialed for “suf-
12 fering a vessel to be hazarded through negligence”
13 by failing to zigzag (a naval tactic employed to help
14 evade submarine attacks) and was convicted even
15 though—

16 (A) the choice to zigzag was left to Cap-
17 tain McVay’s discretion in his orders; and

18 (B) Motchisura Hashimoto, the com-
19 mander of the Japanese submarine that sank
20 the U.S.S. Indianapolis, and Glynn R. Donaho,
21 a United States Navy submarine commander
22 highly decorated for his service during World
23 War II, both testified at Captain McVay’s
24 court-martial trial that the Japanese submarine
25 could have sunk the U.S.S. Indianapolis wheth-

1 er or not it had been zigzagging, an assertion
2 that has since been reaffirmed in a letter to the
3 Chairman of the Committee on Armed Services
4 of the Senate dated November 24, 1999.

5 (5) Although not argued by Captain McVay's
6 defense counsel in the court-martial trial, poor visi-
7 bility on the night of the sinking (as attested in sur-
8 viving crew members' handwritten accounts recently
9 discovered at the National Archives) justified Cap-
10 tain McVay's choice not to zigzag as that choice was
11 consistent with the applicable Navy directives in
12 force in 1945, which stated that, "During thick
13 weather and at night, except on very clear nights or
14 during bright moonlight, vessels normally cease zig-
15 zagging."

16 (6) Before the U.S.S. Indianapolis sailed from
17 Guam on what became her final voyage, Naval offi-
18 cials failed to provide Captain McVay with available
19 support that was critical to the safety of the U.S.S.
20 Indianapolis and her crew by—

21 (A) disapproving a request made by Cap-
22 tain McVay for a destroyer escort for the
23 U.S.S. Indianapolis across the Philippine Sea
24 as being "not necessary";

1 (B) not informing Captain McVay that
2 naval intelligence sources, through signal intel-
3 ligence (the Japanese code having been broken
4 earlier in World War II), had become aware
5 that the Japanese submarine I-58 was oper-
6 ating in the area of the U.S.S. Indianapolis'
7 course (as disclosed in evidence presented in a
8 hearing of the Committee on Armed Services of
9 the Senate conducted September 14, 1999); and

10 (C) not informing Captain McVay of the
11 sinking of the destroyer escort U.S.S. Underhill
12 by a Japanese submarine within range of the
13 course of the U.S.S. Indianapolis four days be-
14 fore the U.S.S. Indianapolis departed Guam for
15 the Philippine Islands.

16 (7) Captain McVay's court-martial initially was
17 opposed by his immediate command superiors, Fleet
18 Admiral Chester Nimitz (CINCPAC) and Vice Ad-
19 miral Raymond Spruance of the 5th fleet, for whom
20 the U.S.S. Indianapolis had served as flagship, but,
21 despite their recommendations, Secretary of the
22 Navy James Forrestal ordered the court-martial,
23 largely on the basis of the recommendation of Fleet
24 Admiral Ernest King, Chief of Naval Operations.

1 (8) There is no explanation on the public record
2 for the overruling by Secretary Forestal of the rec-
3 ommendations made by Admirals Nimitz and
4 Spruance.

5 (9) Captain McVay was the only commander of
6 a United States Navy vessel lost in combat to enemy
7 action during World War II who was subjected to a
8 court-martial trial for such a loss, even though sev-
9 eral hundred United States Navy ships were lost in
10 combat to enemy action during World War II.

11 (10) The survivors of the U.S.S. Indianapolis
12 overwhelmingly conclude that Captain McVay was
13 not at fault in the loss of the Indianapolis and have
14 dedicated their lives to vindicating their Captain
15 McVay.

16 (11) Although promoted to the grade of rear
17 admiral in accordance with then-applicable law upon
18 retirement from the Navy in 1949, Captain McVay
19 never recovered from the stigma of his post-war
20 court-martial and in 1968, tragically, took his own
21 life.

22 (12) Charles Butler McVay, III—

23 (A) was a graduate of the United States
24 Naval Academy;

1 (B) was an exemplary career naval officer
2 with an outstanding record (including participa-
3 tion in the amphibious invasions of North Afri-
4 ca, the assault on Iwo Jima, and the assault on
5 Okinawa where the U.S.S. Indianapolis under
6 his command survived a fierce kamikaze at-
7 tack);

8 (C) was a recipient of the Silver Star
9 earned for courage under fire during the Sol-
10 omon Islands campaign; and

11 (D) with the crew of the U.S.S. Indianap-
12 olis, had so thoroughly demonstrated pro-
13 ficiency in naval warfare that the Navy en-
14 trusted him and the crew of the U.S.S. Indian-
15 apolis with transporting to the Pacific theater
16 components necessary for assembling the atom-
17 ic bombs that were exploded over Hiroshima
18 and Nagasaki to end the war with Japan (deliv-
19 ery of such components to the island of Tinian
20 having been accomplished on July 25, 1945).

21 (b) SENSE OF CONGRESS CONCERNING CHARLES
22 BUTLER MCVAY, III.—With respect to the sinking of the
23 U.S.S. Indianapolis (CA-35) on July 30, 1945, and the
24 subsequent court-martial conviction of the ship's com-
25 manding officer, Captain Charles Butler McVay, III, aris-

1 ing from that sinking, it is the sense of Congress, based
2 on the review of evidence by the Senate and the House
3 of Representatives—

4 (1) that, in light of the remission by the Sec-
5 retary of the Navy of the sentence of the court-mar-
6 tial and the restoration of Captain McVay to active
7 duty by the Chief of Naval Operations, Fleet Admi-
8 ral Chester Nimitz, the American people should now
9 recognize Captain McVay's lack of culpability for the
10 tragic loss of the U.S.S. Indianapolis and the lives
11 of the men who died as a result of the sinking of
12 that vessel; and

13 (2) that, in light of the fact that certain excul-
14 patory information was not available to the court-
15 martial board and that Captain McVay's conviction
16 resulted therefrom, Captain McVay's military record
17 should now reflect that he is exonerated for the loss
18 of the U.S.S. Indianapolis and so many of her crew.

19 (c) UNIT CITATION FOR FINAL CREW OF U.S.S. IN-
20 DIANAPOLIS.—The Secretary of the Navy should award a
21 Navy Unit Commendation to the U.S.S. Indianapolis
22 (CA-35) and her final crew.

1 **SEC. 546. POSTHUMOUS ADVANCEMENT ON RETIRED LIST**
2 **OF REAR ADMIRAL HUSBAND E. KIMMEL AND**
3 **MAJOR GENERAL WALTER C. SHORT, SENIOR**
4 **OFFICERS IN COMMAND IN HAWAII ON DE-**
5 **CEMBER 7, 1941.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The late Rear Admiral Husband E. Kim-
9 mel, while serving in the temporary grade of admiral,
10 was the Commander in Chief of the United
11 States Fleet and the Commander in Chief, United
12 States Pacific Fleet, at the time of the Japanese at-
13 tack on Pearl Harbor, Hawaii, on December 7,
14 1941, with an excellent and unassailable record
15 throughout his career in the United States Navy be-
16 fore that date.

17 (2) The late Major General Walter C. Short,
18 while serving in the temporary grade of lieutenant
19 general, was the Commander of the United States
20 Army Hawaiian Department, at the time of the Jap-
21 anese attack on Pearl Harbor, Hawaii, on December
22 7, 1941, with an excellent and unassailable record
23 throughout his career in the United States Army be-
24 fore that date.

25 (3) Numerous investigations following the at-
26 tack on Pearl Harbor have documented that Admiral

1 Kimmel and Lieutenant General Short were not pro-
2 vided necessary and critical intelligence that was
3 available, that foretold of war with Japan, that
4 warned of imminent attack, and that would have
5 alerted them to prepare for the attack, including
6 such essential communiques as the Japanese Pearl
7 Harbor Bomb Plot message of September 24, 1941,
8 and the message sent from the Imperial Japanese
9 Foreign Ministry to the Japanese Ambassador in the
10 United States from December 6 to 7, 1941, known
11 as the Fourteen-Part Message.

12 (4) On December 16, 1941, Admiral Kimmel
13 and Lieutenant General Short were relieved of their
14 commands and returned to their permanent grades
15 of rear admiral and major general, respectively.

16 (5) Admiral William Harrison Standley, who
17 served as a member of the investigating commission
18 known as the Roberts Commission that accused Ad-
19 miral Kimmel and Lieutenant General Short of
20 “dereliction of duty” only six weeks after the attack
21 on Pearl Harbor, later disavowed the report, main-
22 taining that “these two officers were martyred” and
23 “if they had been brought to trial, both would have
24 been cleared of the charge”.

1 (6) On October 19, 1944, a Naval Court of
2 Inquiry—

3 (A) exonerated Admiral Kimmel on the
4 grounds that his military decisions and the dis-
5 position of his forces at the time of the Decem-
6 ber 7, 1941, attack on Pearl Harbor were prop-
7 er “by virtue of the information that Admiral
8 Kimmel had at hand which indicated neither
9 the probability nor the imminence of an air at-
10 tack on Pearl Harbor”;

11 (B) criticized the higher command for not
12 sharing with Admiral Kimmel “during the very
13 critical period of November 26 to December 7,
14 1941, important information . . . regarding the
15 Japanese situation”; and

16 (C) concluded that the Japanese attack
17 and its outcome was attributable to no serious
18 fault on the part of anyone in the naval service.

19 (7) On June 15, 1944, an investigation con-
20 ducted by Admiral T. C. Hart at the direction of the
21 Secretary of the Navy produced evidence, subse-
22 quently confirmed, that essential intelligence con-
23 cerning Japanese intentions and war plans was
24 available in Washington but was not shared with Ad-
25 miral Kimmel.

1 (8) On October 20, 1944, the Army Pearl Har-
2 bor Board of Investigation determined that—

3 (A) Lieutenant General Short had not
4 been kept “fully advised of the growing tense-
5 ness of the Japanese situation which indicated
6 an increasing necessity for better preparation
7 for war”;

8 (B) detailed information and intelligence
9 about Japanese intentions and war plans were
10 available in “abundance” but were not shared
11 with the Lieutenant General Short’s Hawaii
12 command; and

13 (C) Lieutenant General Short was not pro-
14 vided “on the evening of December 6th and the
15 early morning of December 7th, the critical in-
16 formation indicating an almost immediate break
17 with Japan, though there was ample time to
18 have accomplished this”.

19 (9) The reports by both the Naval Court of In-
20 quiry and the Army Pearl Harbor Board of Inves-
21 tigation were kept secret, and Rear Admiral Kimmel
22 and Major General Short were denied their requests
23 to defend themselves through trial by court-martial.

24 (10) The joint committee of Congress that was
25 established to investigate the conduct of Admiral

1 Kimmel and Lieutenant General Short completed, on
2 May 31, 1946, a 1,075-page report which included
3 the conclusions of the committee that the two offi-
4 cers had not been guilty of dereliction of duty.

5 (11) On April 27, 1954, the Chief of Naval
6 Personnel, Admiral J. L. Holloway, Jr., rec-
7 ommended that Rear Admiral Kimmel be advanced
8 in rank in accordance with the provisions of the Of-
9 ficer Personnel Act of 1947.

10 (12) On November 13, 1991, a majority of the
11 members of the Board for the Correction of Military
12 Records of the Department of the Army found that
13 Major General Short “was unjustly held responsible
14 for the Pearl Harbor disaster” and that “it would
15 be equitable and just” to advance him to the rank
16 of lieutenant general on the retired list.

17 (13) In October 1994, the Chief of Naval Oper-
18 ations, Admiral Carlisle Trost, withdrew his 1988
19 recommendation against the advancement of Rear
20 Admiral Kimmel and recommended that his case be
21 reopened.

22 (14) Although the Dorn Report, a report on the
23 results of a Department of Defense study that was
24 issued on December 15, 1995, did not provide sup-
25 port for an advancement of Rear Admiral Kimmel or

1 Major General Short in grade, it did set forth as a
2 conclusion of the study that “responsibility for the
3 Pearl Harbor disaster should not fall solely on the
4 shoulders of Admiral Kimmel and Lieutenant Gen-
5 eral Short, it should be broadly shared”.

6 (15) The Dorn Report found—

7 (A) that “Army and Navy officials in
8 Washington were privy to intercepted Japanese
9 diplomatic communications . . . which provided
10 crucial confirmation of the imminence of war”;

11 (B) that “the evidence of the handling of
12 these messages in Washington reveals some in-
13 eptitude, some unwarranted assumptions and
14 misestimations, limited coordination, ambiguous
15 language, and lack of clarification and followup
16 at higher levels”; and

17 (C) that “together, these characteristics re-
18 sulted in failure . . . to appreciate fully and to
19 convey to the commanders in Hawaii the sense
20 of focus and urgency that these intercepts
21 should have engendered”.

22 (16) On July 21, 1997, Vice Admiral David C.
23 Richardson (United States Navy, retired) responded
24 to the Dorn Report with his own study which con-
25 firmed findings of the Naval Court of Inquiry and

1 the Army Pearl Harbor Board of Investigation and
2 established, among other facts, that the war effort
3 in 1941 was undermined by a restrictive intelligence
4 distribution policy, and the degree to which the com-
5 manders of the United States forces in Hawaii were
6 not alerted about the impending attack on Hawaii
7 was directly attributable to the withholding of intel-
8 ligence from Admiral Kimmel and Lieutenant Gen-
9 eral Short.

10 (17) The Officer Personnel Act of 1947, in es-
11 tablishing a promotion system for the Navy and the
12 Army, provided a legal basis for the President to
13 honor any officer of the Armed Forces of the United
14 States who served his country as a senior com-
15 mander during World War II with a placement of
16 that officer, with the advice and consent of the Sen-
17 ate, on the retired list with the highest grade held
18 while on the active duty list.

19 (18) Rear Admiral Kimmel and Major General
20 Short are the only two officers eligible for advance-
21 ment under the Officer Personnel Act of 1947 as
22 senior World War II commanders who were excluded
23 from the list of retired officers presented for ad-
24 vancement on the retired lists to their highest war-
25 time grades under that Act.

1 (19) This singular exclusion of those two offi-
2 cers from advancement on the retired list serves only
3 to perpetuate the myth that the senior commanders
4 in Hawaii were derelict in their duty and responsible
5 for the success of the attack on Pearl Harbor, a dis-
6 tinct and unacceptable expression of dishonor toward
7 two of the finest officers who have served in the
8 Armed Forces of the United States.

9 (20) Major General Walter Short died on Sep-
10 tember 23, 1949, and Rear Admiral Husband Kim-
11 mel died on May 14, 1968, without the honor of
12 having been returned to their wartime grades as
13 were their fellow commanders of World War II.

14 (21) The Veterans of Foreign Wars, the Pearl
15 Harbor Survivors Association, the Admiral Nimitz
16 Foundation, the Naval Academy Alumni Association,
17 the Retired Officers Association, and the Pearl Har-
18 bor Commemorative Committee, and other associa-
19 tions and numerous retired military officers have
20 called for the rehabilitation of the reputations and
21 honor of Admiral Kimmel and Lieutenant General
22 Short through their posthumous advancement on the
23 retired lists to their highest wartime grades.

1 (b) ADVANCEMENT OF REAR ADMIRAL KIMMEL AND
2 MAJOR GENERAL SHORT ON RETIRED LISTS.—(1) The
3 President is requested—

4 (A) to advance the late Rear Admiral Husband
5 E. Kimmel, United States Navy (retired), to the
6 grade of admiral on the retired list of the Navy; and

7 (B) to advance the late Major General Walter
8 C. Short, United States Army (retired), to the grade
9 of lieutenant general on the retired list of the Army.

10 (2) Any advancement in grade on a retired list re-
11 quested under paragraph (1) shall not increase or change
12 the compensation or benefits from the United States to
13 which any person is now or may in the future be entitled
14 based upon the military service of the officer advanced.

15 (c) SENSE OF CONGRESS REGARDING THE PROFES-
16 SIONAL PERFORMANCE OF ADMIRAL KIMMEL AND LIEU-
17 TENANT GENERAL SHORT.—It is the sense of Congress—

18 (1) that the late Rear Admiral Husband E.
19 Kimmel performed his duties as Commander in
20 Chief, United States Pacific Fleet, competently and
21 professionally and, therefore, that the losses incurred
22 by the United States in the attacks on the naval
23 base at Pearl Harbor, Hawaii, and other targets on
24 the island of Oahu, Hawaii, on December 7, 1941,

1 were not a result of dereliction in the performance
2 of those duties by then Admiral Kimmel; and

3 (2) that the late Major General Walter C. Short
4 performed his duties as Commanding General, Ha-
5 waiian Department, competently and professionally
6 and, therefore, that the losses incurred by the
7 United States in the attacks on Hickam Army Air
8 Field and Schofield Barracks, Hawaii, and other
9 targets on the island of Oahu, Hawaii, on December
10 7, 1941, were not a result of dereliction in the per-
11 formance of those duties by then Lieutenant General
12 Short.

13 **SEC. 547. COMMENDATION OF CITIZENS OF REMY, FRANCE,**
14 **FOR WORLD WAR II ACTIONS.**

15 (a) FINDINGS.—The Congress finds the following:

16 (1) On August 2, 1944, a squadron of P-51s
17 from the United States 364th Fighter Group strafed
18 a German munitions train in Remy, France.

19 (2) The resulting explosion killed Lieutenant
20 Houston Braly, one of the attacking pilots, and de-
21 stroyed much of the village of Remy, including seven
22 stained glass windows in the 13th century church.

23 (3) Despite threats of reprisals from the occu-
24 pying German authorities, the citizens of Remy re-
25 covered Lieutenant Braly's body from the wreckage,

1 buried his body with dignity and honor in the
2 church's cemetery, and decorated the grave site daily
3 with fresh flowers.

4 (4) On Armistice Day, 1995, the village of
5 Remy renamed the crossroads near the site of Lieu-
6 tenant Braly's death in his honor.

7 (5) The surviving members of the 364th Fight-
8 er Group desire to express their gratitude to the
9 brave citizens of Remy.

10 (6) To express their gratitude, the surviving
11 members of the 364th Fighter Group have organized
12 a nonprofit corporation to raise funds, through its
13 project "Windows for Remy", to restore the church's
14 stained glass windows.

15 (b) COMMENDATION AND RECOGNITION.—The Con-
16 gress commends the bravery and honor of the citizens of
17 Remy, France, for their actions with respect to the Amer-
18 ican fighter pilot Lieutenant Houston Braly during and
19 after August 1944, and recognizes the efforts of the sur-
20 viving members of the United States 364th Fighter Group
21 to raise funds to restore the stained glass windows of
22 Remy's 13th century church.

1 **SEC. 548. AUTHORITY FOR AWARD OF THE MEDAL OF**
2 **HONOR TO WILLIAM H. PITSENBARGER FOR**
3 **VALOR DURING THE VIETNAM WAR.**

4 (a) **WAIVER OF TIME LIMITATIONS.**—Notwith-
5 standing the period of limitations specified in section 8744
6 of title 10, United States Code, or any other time limita-
7 tion with respect to the awarding of certain medals to per-
8 sons who served in the Air Force, the President may
9 award the Medal of Honor under section 8741 of that
10 title, posthumously, to William H. Pitsenbarger of Piqua,
11 Ohio, for the acts of valor referred to in subsection (b).

12 (b) **ACTION DEFINED.**—The acts of valor referred to
13 in subsection (a) are the actions of William H.
14 Pitsenbarger on April 11, 1966, as an Air Force
15 pararescue crew member, serving in the grade of Airman
16 First Class at Cam My, Republic of Vietnam, with Detach-
17 ment 6, 38th Aerospace Rescue and Recovery Helicopter
18 Squadron, in support of the combat mission known as
19 “Operations Abilene”.

20 **Subtitle E—Military Justice and**
21 **Legal Assistance Matters**

22 **SEC. 551. RECOGNITION BY STATES OF MILITARY TESTA-**
23 **MENTARY INSTRUMENTS.**

24 (a) **IN GENERAL.**—Chapter 53 of title 10, United
25 States Code, is amended by inserting after section 1044c
26 the following new section:

1 **“§ 1044d. Military testamentary instruments: require-**
2 **ment for recognition by States**

3 “(a) TESTAMENTARY INSTRUMENTS TO BE GIVEN
4 LEGAL EFFECT.—A military testamentary instrument—

5 “(1) is exempt from any requirement of form,
6 formality, or recording before probate that is pro-
7 vided for testamentary instruments under the laws
8 of a State; and

9 “(2) has the same legal effect as a testa-
10 mentary instrument prepared and executed in ac-
11 cordance with the laws of the State in which it is
12 presented for probate.

13 “(b) MILITARY TESTAMENTARY INSTRUMENTS.—
14 For purposes of this section, a military testamentary in-
15 strument is an instrument that is prepared with testa-
16 mentary intent in accordance with regulations prescribed
17 under this section and that—

18 “(1) is executed in accordance with subsection
19 (c) by (or on behalf of) a person, as a testator, who
20 is eligible for military legal assistance;

21 “(2) makes a disposition of property of the tes-
22 tator; and

23 “(3) takes effect upon the death of the testator.

24 “(c) REQUIREMENTS FOR EXECUTION OF MILITARY
25 TESTAMENTARY INSTRUMENTS.—An instrument is valid
26 as a military testamentary instrument only if—

1 “(1) the instrument is executed by the testator
2 (or, if the testator is unable to execute the instru-
3 ment personally, the instrument is executed in the
4 presence of, by the direction of, and on behalf of the
5 testator);

6 “(2) the instrument is executed in the presence
7 of a military legal assistance counsel acting as pre-
8 siding attorney;

9 “(3) the instrument is executed in the presence
10 of at least two disinterested witnesses (in addition to
11 the presiding attorney), each of whom attests to wit-
12 nessing the testator’s execution of the instrument by
13 signing it; and

14 “(4) the instrument is executed in accordance
15 with such additional requirements as may be pro-
16 vided in regulations prescribed under this section.

17 “(d) SELF-PROVING MILITARY TESTAMENTARY IN-
18 STRUMENTS.—(1) If the document setting forth a military
19 testamentary instrument meets the requirements of para-
20 graph (2), then the signature of a person on the document
21 as the testator, an attesting witness, a notary, or the pre-
22 siding attorney, together with a written representation of
23 the person’s status as such and the person’s military grade
24 (if any) or other title, is prima facie evidence of the fol-
25 lowing:

1 “(A) That the signature is genuine.

2 “(B) That the signatory had the represented
3 status and title at the time of the execution of the
4 will.

5 “(C) That the signature was executed in com-
6 pliance with the procedures required under the regu-
7 lations prescribed under subsection (f).

8 “(2) A document setting forth a military testa-
9 mentary instrument meets the requirements of this para-
10 graph if it includes (or has attached to it), in a form and
11 content required under the regulations prescribed under
12 subsection (f), each of the following:

13 “(A) A certificate, executed by the testator,
14 that includes the testator’s acknowledgment of the
15 testamentary instrument.

16 “(B) An affidavit, executed by each witness
17 signing the testamentary instrument, that attests to
18 the circumstances under which the testamentary in-
19 strument was executed.

20 “(C) A notarization, including a certificate of
21 any administration of an oath required under the
22 regulations, that is signed by the notary or other of-
23 ficial administering the oath.

24 “(e) STATEMENT TO BE INCLUDED.—(1) Under reg-
25 ulations prescribed under this section, each military testa-

1 mentary instrument shall contain a statement that sets
2 forth the provisions of subsection (a).

3 “(2) Paragraph (1) shall not be construed to make
4 inapplicable the provisions of subsection (a) to a testa-
5 mentary instrument that does not include a statement de-
6 scribed in that paragraph.

7 “(f) REGULATIONS.—Regulations for the purposes of
8 this section shall be prescribed jointly by the Secretary
9 of Defense and by the Secretary of Transportation with
10 respect to the Coast Guard when it is not operating as
11 a service in the Department of the Navy.

12 “(g) DEFINITIONS.—In this section:

13 “(1) The term ‘person eligible for military legal
14 assistance’ means a person who is eligible for legal
15 assistance under section 1044 of this title.

16 “(2) The term ‘military legal assistance counsel’
17 means—

18 “(A) a judge advocate (as defined in sec-
19 tion 801(13) of this title); or

20 “(B) a civilian attorney serving as a legal
21 assistance officer under the provisions of sec-
22 tion 1044 of this title.

23 “(3) The term ‘State’ includes the District of
24 Columbia, the Commonwealth of Puerto Rico, the

1 Commonwealth of the Northern Mariana Islands,
2 and each possession of the United States.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 1044c the following new
6 item:

“1044d. Military testamentary instruments: requirement for recognition by
States.”.

7 **SEC. 552. POLICY CONCERNING RIGHTS OF INDIVIDUALS**
8 **WHOSE NAMES HAVE BEEN ENTERED INTO**
9 **DEPARTMENT OF DEFENSE OFFICIAL CRIMI-**
10 **NAL INVESTIGATIVE REPORTS.**

11 (a) POLICY REQUIREMENT.—The Secretary of De-
12 fense shall establish a policy creating a uniform process
13 within the Department of Defense that—

14 (1) affords any individual who, in connection
15 with the investigation of a reported crime, is des-
16 ignated (by name or by any other identifying infor-
17 mation) as a suspect in the case in any official inves-
18 tigative report, or in a central index for potential re-
19 trieval and analysis by law enforcement organiza-
20 tions, an opportunity to obtain a review of that des-
21 ignation; and

22 (2) requires the expungement of the name and
23 other identifying information of any such individual
24 from such report or index in any case in which it is

1 determined the entry of such identifying information
2 on that individual was made contrary to Department
3 of Defense requirements.

4 (b) EFFECTIVE DATE.—The policy required by sub-
5 section (a) shall be established not later than 120 days
6 after the date of the enactment of this Act.

7 **SEC. 553. LIMITATION ON SECRETARIAL AUTHORITY TO**
8 **GRANT CLEMENCY FOR MILITARY PRIS-**
9 **ONERS SERVING SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR**
10 **PAROLE.**

12 (a) LIMITATION.—Section 874(a) of title 10, United
13 States Code (article 74(a) of the Uniform Code of Military
14 Justice), is amended by adding at the end the following
15 new sentence: “However, in the case of a sentence of con-
16 finement for life without eligibility for parole, after the
17 sentence is ordered executed, the authority of the Sec-
18 retary concerned under the preceding sentence (1) may
19 not be delegated, and (2) may be exercised only after the
20 service of a period of confinement of not less than 20
21 years.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall not apply with respect to a sentence
24 of confinement for life without eligibility for parole that

1 is adjudged for an offense committed before the date of
2 the enactment of this Act.

3 **SEC. 554. AUTHORITY FOR CIVILIAN SPECIAL AGENTS OF**
4 **MILITARY DEPARTMENT CRIMINAL INVES-**
5 **TIGATIVE ORGANIZATIONS TO EXECUTE WAR-**
6 **RANTS AND MAKE ARRESTS.**

7 (a) DEPARTMENT OF THE ARMY.—(1) Chapter 373
8 of title 10, United States Code, is amended by adding at
9 the end the following new section:

10 **“§ 4027. Civilian special agents of the Criminal Inves-**
11 **tigation Command: authority to execute**
12 **warrants and make arrests**

13 “(a) AUTHORITY.—The Secretary of the Army may
14 authorize any Department of the Army civilian employee
15 described in subsection (b) to have the same authority to
16 execute and serve warrants and other processes issued
17 under the authority of the United States and to make ar-
18 rests without a warrant as may be authorized under sec-
19 tion 1585a of this title for special agents of the Defense
20 Criminal Investigative Service.

21 “(b) AGENTS TO HAVE AUTHORITY.—Subsection (a)
22 applies to any employee of the Department of the Army
23 who is a special agent of the Army Criminal Investigation
24 Command (or a successor to that command) whose duties
25 include conducting, supervising, or coordinating investiga-

1 tions of criminal activity in programs and operations of
2 the Department of the Army.

3 “(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—
4 The authority provided under subsection (a) shall be exer-
5 cised in accordance with guidelines prescribed by the Sec-
6 retary of the Army and approved by the Secretary of De-
7 fense and the Attorney General and any other applicable
8 guidelines prescribed by the Secretary of the Army, the
9 Secretary of Defense, or the Attorney General.”.

10 (2) The table of sections at the beginning of such
11 chapter is amended by adding at the end following new
12 item:

“4027. Civilian special agents of the Criminal Investigation Command: authority
to execute warrants and make arrests.”.

13 (b) DEPARTMENT OF THE NAVY.—(1) Chapter 643
14 of title 10, United States Code, is amended by adding at
15 the end the following new section:

16 **“§ 7480. Special agents of the Naval Criminal Inves-**
17 **tigative Service: authority to execute**
18 **warrants and make arrests**

19 “(a) AUTHORITY.—The Secretary of the Navy may
20 authorize any Department of the Navy civilian employee
21 described in subsection (b) to have the same authority to
22 execute and serve warrants and other processes issued
23 under the authority of the United States and to make ar-
24 rests without a warrant as may be authorized under sec-

tion 1585a of this title for special agents of the Defense Criminal Investigative Service.

“(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Navy who is a special agent of the Naval Criminal Investigative Service (or any successor to that service) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Navy.

“(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Navy and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Navy, the Secretary of Defense, or the Attorney General.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end following new item:

“7480. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests.”.

(c) DEPARTMENT OF THE AIR FORCE.—(1) Chapter 873 of title 10, United States Code, is amended by adding at the end the following new section:

1 **“§ 9027. Civilian special agents of the Office of Spe-**
2 **cial Investigations: authority to execute**
3 **warrants and make arrests**

4 “(a) AUTHORITY.—The Secretary of the Air Force
5 may authorize any Department of the Air Force civilian
6 employee described in subsection (b) to have the same au-
7 thority to execute and serve warrants and other processes
8 issued under the authority of the United States and to
9 make arrests without a warrant as may be authorized
10 under section 1585a of this title for special agents of the
11 Defense Criminal Investigative Service.

12 “(b) AGENTS TO HAVE AUTHORITY.—Subsection (a)
13 applies to any employee of the Department of the Air
14 Force who is a special agent of the Air Force Office of
15 Special Investigations (or a successor to that office) whose
16 duties include conducting, supervising, or coordinating in-
17 vestigations of criminal activity in programs and oper-
18 ations of the Department of the Air Force.

19 “(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—
20 The authority provided under subsection (a) shall be exer-
21 cised in accordance with guidelines prescribed by the Sec-
22 retary of the Air Force and approved by the Secretary of
23 Defense and the Attorney General and any other applica-
24 ble guidelines prescribed by the Secretary of the Air Force,
25 the Secretary of Defense, or the Attorney General.”.

1 (2) The table of sections at the beginning of such
 2 chapter is amended by adding at the end following new
 3 item:

“9027. Civilian special agents of the Office of Special Investigations: authority
 to execute warrants and make arrests.”.

4 **SEC. 555. REQUIREMENT FOR VERBATIM RECORD IN CER-**
 5 **TAIN SPECIAL COURT-MARTIAL CASES.**

6 (a) WHEN REQUIRED.—Subsection (c)(1)(B) of sec-
 7 tion 854 of title 10, United States Code (article 54 of the
 8 Uniform Code of Military Justice), is amended by insert-
 9 ing after “bad-conduct discharge” the following: “, con-
 10 finement for more than six months, or forfeiture of pay
 11 for more than six months”.

12 (b) EFFECTIVE DATE.—The amendment made by
 13 subsection (a) shall take effect as of April 1, 2000, and
 14 shall apply with respect to charges referred on or after
 15 that date to trial by special court-martial.

16 **SEC. 556. COMMEMORATION OF THE 50TH ANNIVERSARY**
 17 **OF THE UNIFORM CODE OF MILITARY JUS-**
 18 **TICE.**

19 (a) FINDINGS.—Congress makes the following find-
 20 ings:

21 (1) The American military justice system pre-
 22 dates the United States itself, having had a contin-
 23 uous existence since the enactment of the first

1 American Articles of War by the Continental Con-
2 gress in 1775.

3 (2) Pursuant to article I of the Constitution,
4 which explicitly empowers Congress “To make Rules
5 for the Government and Regulation of the land and
6 naval Forces”, Congress enacted the Articles of War
7 and an Act to Govern the Navy, which were revised
8 on several occasions between the ratification of the
9 Constitution and the end of World War II.

10 (3) Dissatisfaction with the administration of
11 military justice during World War I and World War
12 II (including dissatisfaction arising from separate
13 systems of justice for the Army and for the Navy
14 and Marine Corps) led both to significant statutory
15 reforms in the Articles of War and to the convening
16 of a committee, under Department of Defense aus-
17 pices, to draft a single code of military justice appli-
18 cable uniformly to all of the Armed Forces.

19 (4) The committee, chaired by Professor Ed-
20 mund M. Morgan of Harvard Law School, made rec-
21 ommendations that formed the basis of bills intro-
22 duced in Congress to establish such a uniform code
23 of military justice.

24 (5) After lengthy hearings and debate on the
25 congressional proposals, the Uniform Code of Mili-

1 tary Justice was enacted into law on May 5, 1950,
2 when President Harry S Truman signed the legisla-
3 tion.

4 (6) President Truman then issued a revised
5 Manual for Courts-Martial implementing the new
6 code, and the code became effective on May 31,
7 1951.

8 (7) One of the greatest innovations of the Uni-
9 form Code of Military Justice (now codified as chap-
10 ter 47 of title 10, United States Code) was the es-
11 tablishment of a civilian court of appeals within the
12 military justice system. That court, the United
13 States Court of Military Appeals (now the United
14 States Court of Appeals for the Armed Forces), held
15 its first session on July 25, 1951.

16 (8) Congress enacted major revisions of the
17 Uniform Code of Military Justice in 1968 and 1983
18 and, in addition, has amended the code from time to
19 time over the years as practice under the code indi-
20 cated a need for updating the substance or proce-
21 dure of the law of military justice.

22 (9) The evolution of the system of military jus-
23 tice under the Uniform Code of Military Justice may
24 be traced in the decisions of the Courts of Criminal
25 Appeals of each of the Armed Forces and the deci-

1 sions of the United States Court of Appeals for the
2 Armed Forces. These courts have produced a unique
3 body of jurisprudence upon which commanders and
4 judge advocates rely in the performance of their du-
5 ties.

6 (10) It is altogether fitting that the 50th anni-
7 versary of the Uniform Code of Military Justice be
8 duly commemorated.

9 (b) COMMEMORATION.—The Congress—

10 (1) requests the President to issue a proclama-
11 tion commemorating the 50th anniversary of the
12 Uniform Code of Military Justice; and

13 (2) calls upon the Department of Defense, the
14 Armed Forces, and the United States Court of Ap-
15 peals for the Armed Forces and interested organiza-
16 tions and members of the bar and the public to com-
17 memorate the occasion of that anniversary with cere-
18 monies and activities befitting its importance.

19 **Subtitle F—Matters Relating to**
20 **Recruiting**

21 **SEC. 561. ARMY RECRUITING PILOT PROGRAMS.**

22 (a) REQUIREMENT FOR PROGRAMS.—The Secretary
23 of the Army shall carry out pilot programs to test various
24 recruiting approaches under this section for the following
25 purposes:

1 (1) To assess the effectiveness of the recruiting
2 approaches for creating enhanced opportunities for
3 recruiters to make direct, personal contact with po-
4 tential recruits.

5 (2) To improve the overall effectiveness and ef-
6 ficiency of Army recruiting activities.

7 (b) OUTREACH THROUGH MOTOR SPORTS.—(1) One
8 of the pilot programs shall be a pilot program of public
9 outreach that associates the Army with motor sports com-
10 petitions to achieve the objectives set forth in paragraph
11 (2).

12 (2) The events and activities undertaken under the
13 pilot program shall be designed to provide opportunities
14 for Army recruiters to make direct, personal contact with
15 high school students to achieve the following objectives:

16 (A) To increase enlistments by students grad-
17 uating from high school.

18 (B) To reduce attrition in the Delayed Entry
19 Program of the Army by sustaining the personal
20 commitment of students who have elected delayed
21 entry into the Army under the program.

22 (3) Under the pilot program, the Secretary of the
23 Army shall provide for the following:

24 (A) For Army recruiters or other Army
25 personnel—

1 (i) to organize Army sponsored career day
2 events in association with national motor sports
3 competitions; and

4 (ii) to arrange for or encourage attendance
5 at the competitions by high school students,
6 teachers, guidance counselors, and administra-
7 tors of high schools located near the competi-
8 tions.

9 (B) For Army recruiters and other soldiers to
10 attend national motor sports competitions—

11 (i) to display exhibits depicting the con-
12 temporary Army and career opportunities in the
13 Army; and

14 (ii) to discuss those opportunities with po-
15 tential recruits.

16 (C) For the Army to sponsor a motor sports
17 racing team as part of an integrated program of re-
18 cruitment and publicity for the Army.

19 (D) For the Army to sponsor motor sports com-
20 petitions for high school students at which recruiters
21 meet with potential recruits.

22 (E) For Army recruiters or other Army per-
23 sonnel to compile in an Internet accessible database
24 the names, addresses, telephone numbers, and elec-
25 tronic mail addresses of persons who are identified

1 as potential recruits through activities under the
2 pilot program.

3 (F) Any other activities associated with motor
4 sports competition that the Secretary determines ap-
5 propriate for Army recruitment purposes.

6 (c) OUTREACH AT VOCATIONAL SCHOOLS AND COM-
7 MUNITY COLLEGES.—(1) One of the pilot programs shall
8 be a pilot program under which Army recruiters are as-
9 signed, as their primary responsibility, at postsecondary
10 vocational institutions and community colleges for the pur-
11 pose of recruiting students graduating from those institu-
12 tions and colleges, recent graduates of those institutions
13 and colleges, and students withdrawing from enrollments
14 in those institutions and colleges.

15 (2) The Secretary of the Army shall select the institu-
16 tions and colleges to be invited to participate in the pilot
17 program.

18 (3) The conduct of the pilot program at an institution
19 or college shall be subject to an agreement which the Sec-
20 retary shall enter into with the governing body or author-
21 ized official of the institution or college, as the case may
22 be.

23 (4) Under the pilot program, the Secretary shall pro-
24 vide for the following:

1 (A) For Army recruiters to be placed in post-
2 secondary vocational institutions and community col-
3 leges to serve as a resource for guidance counselors
4 and to recruit for the Army.

5 (B) For Army recruiters to recruit from among
6 students and graduates described in paragraph (1).

7 (C) For the use of telemarketing, direct mail,
8 interactive voice response systems, and Internet
9 website capabilities to assist the recruiters in the
10 postsecondary vocational institutions and community
11 colleges.

12 (D) For any other activities that the Secretary
13 determines appropriate for recruitment activities in
14 postsecondary vocational institutions and community
15 colleges.

16 (5) In this subsection, the term “postsecondary voca-
17 tional institution” has the meaning given the term in sec-
18 tion 102(c) of the Higher Education Act of 1965 (20
19 U.S.C. 1002(c)).

20 (d) CONTRACT RECRUITING INITIATIVES.—(1) One
21 of the pilot programs shall be a program that expands in
22 accordance with this subsection the scope of the Army’s
23 contract recruiting initiatives that are ongoing as of the
24 date of the enactment of this Act. Under the pilot pro-
25 gram, the Secretary of the Army shall select at least 10

1 recruiting companies to apply the initiatives in efforts to
2 recruit personnel for the Army.

3 (2) Under the pilot program, the Secretary shall pro-
4 vide for the following:

5 (A) For replacement of the Regular Army re-
6 cruiters by contract recruiters in the 10 recruiting
7 companies selected under paragraph (1).

8 (B) For operation of the 10 companies under
9 the same rules and chain of command as the other
10 Army recruiting companies.

11 (C) For use of the offices, facilities, and equip-
12 ment of the 10 companies by the contract recruiters.

13 (D) For reversion to performance of the re-
14 cruiting activities by Regular Army soldiers in the
15 10 companies upon termination of the pilot program.

16 (E) For any other uses of contractor personnel
17 for Army recruiting activities that the Secretary de-
18 termines appropriate.

19 (e) DURATION OF PILOT PROGRAMS.—The pilot pro-
20 grams required by this section shall be carried out during
21 the period beginning on October 1, 2000, and, subject to
22 subsection (f), ending on December 31, 2005.

23 (f) AUTHORITY TO EXPAND OR EXTEND PILOT PRO-
24 GRAMS.—The Secretary may expand the scope of any of
25 the pilot programs (under subsection (b)(3)(F), (c)(4)(D),

1 (d)(2)(E), or otherwise) or extend the period for any of
2 the pilot programs. Before doing so in the case of a pilot
3 program, the Secretary of the Army shall submit to the
4 Committee on Armed Services of the Senate and the Com-
5 mittee on Armed Services of the House of Representatives
6 a written notification of the expansion of the pilot program
7 (together with the scope of the expansion) or the continu-
8 ation of the pilot program (together with the period of the
9 extension), as the case may be.

10 (g) REPORTS.—Not later than February 1, 2006, the
11 Secretary of the Army shall submit to the Committees on
12 Armed Services of the Senate and the House of Represent-
13 atives a separate report on each of the pilot programs car-
14 ried out under this section. The report on a pilot program
15 shall include the following:

16 (1) The Secretary's assessment of the value of
17 the actions taken in the administration of the pilot
18 program for increasing the effectiveness and effi-
19 ciency of Army recruiting.

20 (2) Any recommendations for legislation or
21 other action that the Secretary considers appropriate
22 to increase the effectiveness and efficiency of Army
23 recruiting.

1 **SEC. 562. ENHANCEMENT OF RECRUITMENT MARKET RE-**
2 **SEARCH AND ADVERTISING PROGRAMS.**

3 Section 503(a) of title 10, United States Code, is
4 amended—

5 (1) by inserting “(1)” after “(a)”; and

6 (2) by adding at the end the following new
7 paragraph:

8 “(2) The Secretary of Defense shall act on a con-
9 tinuing basis to enhance the effectiveness of recruitment
10 programs of the Department of Defense (including pro-
11 grams conducted jointly and programs conducted by the
12 separate armed forces) through an aggressive program of
13 advertising and market research targeted at prospective
14 recruits for the armed forces and those who may influence
15 prospective recruits. Subchapter I of chapter 35 of title
16 44 shall not apply to actions taken as part of that pro-
17 gram.”.

18 **SEC. 563. ACCESS TO SECONDARY SCHOOLS FOR MILITARY**
19 **RECRUITING PURPOSES.**

20 (a) REQUIREMENT FOR ACCESS.—Subsection (c) of
21 section 503 of title 10, United States Code, is amended
22 to read as follows:

23 “(c) ACCESS TO SECONDARY SCHOOLS.—(1) Each
24 local educational agency shall (except as provided under
25 paragraph (5)) provide to the Department of Defense,
26 upon a request made for military recruiting purposes, the

1 same access to secondary school students, and to directory
2 information concerning such students, as is provided gen-
3 erally to post-secondary educational institutions or to pro-
4 spective employers of those students.

5 “(2) If a local educational agency denies a request
6 by the Department of Defense for recruiting access, the
7 Secretary of Defense, in cooperation with the Secretary
8 of the military department concerned, shall designate an
9 officer in a grade not below the grade of colonel or, in
10 the case of the Navy, captain, or a senior executive of that
11 military department to meet with representatives of that
12 local educational agency in person, at the offices of that
13 agency, for the purpose of arranging for recruiting access.
14 The designated officer or senior executive shall seek to
15 have that meeting within 120 days of the date of the de-
16 nial of the request for recruiting access.

17 “(3) If, after a meeting under paragraph (2) with
18 representatives of a local educational agency that has de-
19 nied a request for recruiting access or (if the educational
20 agency declines a request for the meeting) after the end
21 of such 120-day period, the Secretary of Defense deter-
22 mines that the agency continues to deny recruiting access,
23 the Secretary shall transmit to the chief executive of the
24 State in which the agency is located a notification of the
25 denial of recruiting access and a request for assistance in

1 obtaining that access. The notification shall be trans-
2 mitted within 60 days after the date of the determination.
3 The Secretary shall provide to the Secretary of Education
4 a copy of such notification and any other communication
5 between the Secretary and that chief executive with re-
6 spect to such access.

7 “(4) If a local educational agency continues to deny
8 recruiting access one year after the date of the transmittal
9 of a notification regarding that agency under paragraph
10 (3), the Secretary—

11 “(A) shall determine whether the agency denies
12 recruiting access to at least two of the armed forces
13 (other than the Coast Guard when it is not oper-
14 ating as a service in the Navy); and

15 “(B) upon making an affirmative determination
16 under subparagraph (A), shall transmit a notifica-
17 tion of the denial of recruiting access to—

18 “(i) the specified congressional committees;

19 “(ii) the Senators of the State in which the
20 local educational agency is located; and

21 “(iii) the member of the House of Rep-
22 resentatives who represents the district in which
23 the local educational agency is located.

24 “(5) The requirements of this subsection do not apply
25 to—

1 “(A) a local educational agency with respect to
2 access to secondary school students or access to di-
3 rectory information concerning such students for
4 any period during which there is in effect a policy
5 of that agency, established by majority vote of the
6 governing body of the agency, to deny recruiting ac-
7 cess to those students or to that directory informa-
8 tion, respectively; or

9 “(B) a private secondary school which main-
10 tains a religious objection to service in the armed
11 forces and which objection is verifiable through the
12 corporate or other organizational documents or ma-
13 terials of that school.

14 “(6) In this subsection:

15 “(A) The term ‘local educational agency’
16 means—

17 “(i) a local educational agency, within the
18 meaning of that term in section 14101(18) of
19 the Elementary and Secondary Education Act
20 of 1965 (20 U.S.C. 8801(18)); and

21 “(ii) a private secondary school.

22 “(B) The term ‘recruiting access’ means access
23 requested as described in paragraph (1).

24 “(C) The term ‘senior executive’ has the mean-
25 ing given that term in section 3132(a)(3) of title 5.

1 “(D) The term ‘State’ includes the District of
2 Columbia, the Commonwealth of Puerto Rico, the
3 Commonwealth of the Northern Mariana Islands,
4 Guam, the Virgin Islands, American Samoa, the
5 Federated States of Micronesia, the Republic of the
6 Marshall Islands, and the Republic of Palau.

7 “(E) The term ‘specified congressional commit-
8 tees’ means the following:

9 “(i) The Committee on Armed Services
10 and the Committee on Health, Education,
11 Labor, and Pensions of the Senate.

12 “(ii) The Committee on Armed Services
13 and the Committee on Education and the
14 Workforce of the House of Representatives.

15 “(F) The term ‘member of the House of Rep-
16 resentatives’ includes a Delegate or Resident Com-
17 missioner to Congress.”.

18 (b) DEFINITION OF DIRECTORY INFORMATION.—

19 Such section is further amended—

20 (1) by striking paragraph (7) of subsection (b);
21 and

22 (2) by adding at the end the following new sub-
23 section:

24 “(d) DIRECTORY INFORMATION DEFINED.—In this
25 section, the term ‘directory information’ has the meaning

1 given that term in subsection (a)(5)(A) of section 444 of
2 the General Education Provisions Act (20 U.S.C.
3 1232g).”.

4 (c) TECHNICAL AMENDMENTS.—Such section is fur-
5 ther amended—

6 (1) in subsection (a), by inserting “RECRUITING
7 CAMPAIGNS.—” after “(a)”; and

8 (2) in subsection (b), by inserting “COMPILA-
9 TION OF DIRECTORY INFORMATION.—” after “(b)”.

10 (d) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect on July 1, 2002.

12 **SEC. 564. PILOT PROGRAM TO ENHANCE MILITARY RE-**
13 **CRUITING BY IMPROVING MILITARY AWARE-**
14 **NESS OF SCHOOL COUNSELORS AND EDU-**
15 **CATORS.**

16 (a) IN GENERAL.—The Secretary of Defense shall
17 conduct a pilot program to determine if cooperation with
18 military recruiters by local educational agencies and by in-
19 stitutions of higher education could be enhanced by im-
20 proving the understanding of school counselors and edu-
21 cators about military recruiting and military career oppor-
22 tunities. The pilot program shall be conducted during a
23 three-year period beginning not later than 180 days after
24 the date of the enactment of this Act.

1 (b) CONDUCT OF PILOT PROGRAM THROUGH PAR-
2 TICIPATION IN INTERACTIVE INTERNET SITE.—(1) The
3 pilot program shall be conducted by means of participation
4 by the Department of Defense in a qualifying interactive
5 Internet site.

6 (2) For purposes of this section, a qualifying inter-
7 active Internet site is an Internet site in existence as of
8 the date of the enactment of this Act that is designed to
9 provide to employees of local educational agencies and in-
10 stitutions of higher education participating in the Internet
11 site—

12 (A) systems for communicating;

13 (B) resources for individual professional devel-
14 opment;

15 (C) resources to enhance individual on-the-job
16 effectiveness; and

17 (D) resources to improve organizational effec-
18 tiveness.

19 (3) Participation in an Internet site by the Depart-
20 ment of Defense for purposes of this section shall
21 include—

22 (A) funding;

23 (B) assistance; and

24 (C) access by other Internet site participants to
25 Department of Defense aptitude testing programs,

1 career development information, and other resources,
 2 in addition to information on military recruiting and
 3 career opportunities.

4 (c) REPORT.—The Secretary of Defense shall submit
 5 to the Committee on Armed Services of the Senate and
 6 the Committee on Armed Services of the House of Rep-
 7 resentatives a report providing the Secretary’s findings
 8 and conclusions on the pilot program not later than 180
 9 days after the end of the three-year program period.

10 **Subtitle G—Other Matters**

11 **SEC. 571. EXTENSION TO END OF CALENDAR YEAR OF EXPI-** 12 **RATION DATE FOR CERTAIN FORCE DRAW-** 13 **DOWN TRANSITION AUTHORITIES.**

14 (a) EARLY RETIREMENT AUTHORITY FOR ACTIVE
 15 FORCE MEMBERS.—Section 4403 of the National Defense
 16 Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293
 17 note) is amended—

18 (1) in subsection (a), by striking “through fis-
 19 cal year 1999” and inserting “during the active
 20 force drawdown period”; and

21 (2) in subsection (i), by striking “October 1,
 22 2001” and inserting “December 31, 2001”.

23 (b) SSB AND VSI.—Sections 1174a(h)(1) and
 24 1175(d)(3) of title 10, United States Code, are amended

1 by striking “September 30, 2001” and inserting “Decem-
2 ber 31, 2001”.

3 (c) SELECTIVE EARLY RETIREMENT BOARDS.—Sec-
4 tion 638a(a) of such title is amended by striking “Sep-
5 tember 30, 2001” and inserting “December 31, 2001”.

6 (d) TIME-IN-GRADE REQUIREMENT FOR RETENTION
7 OF GRADE UPON VOLUNTARY RETIREMENT.—Section
8 1370 of such title is amended by striking “September 30,
9 2001” in subsections (a)(2)(A) and (d)(5) and inserting
10 “December 31, 2001”.

11 (e) MINIMUM COMMISSIONED SERVICE FOR VOL-
12 UNTARY RETIREMENT AS AN OFFICER.—Sections
13 3911(b), 6323(a)(2), and 8911(b) of such title are amend-
14 ed by striking “September 30, 2001” and inserting “De-
15 cember 31, 2001”.

16 (f) TRAVEL, TRANSPORTATION, AND STORAGE BEN-
17 EFITS.—Sections 404(c)(1)(C), 404(f)(2)(B)(v),
18 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United
19 States Code, and section 503(c)(1) of the National De-
20 fense Authorization Act for Fiscal Year 1991 (37 U.S.C.
21 406 note) are amended by striking “September 30, 2001”
22 and inserting “December 31, 2001”.

23 (g) EDUCATIONAL LEAVE FOR PUBLIC AND COMMU-
24 NITY SERVICE.—Section 4463(f) of the National Defense
25 Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a

1 note) is amended by striking “September 30, 2001” and
2 inserting “December 31, 2001”.

3 (h) TRANSITIONAL HEALTH BENEFITS.—Sub-
4 sections (a)(1), (c)(1), and (e) of section 1145 of title 10,
5 United States Code, are amended by striking “September
6 30, 2001” and inserting “December 31, 2001”.

7 (i) TRANSITIONAL COMMISSARY AND EXCHANGE
8 BENEFITS.—Section 1146 of such title is amended by
9 striking “September 30, 2001” both places it appears and
10 inserting “December 31, 2001”.

11 (j) TRANSITIONAL USE OF MILITARY HOUSING.—
12 Paragraphs (1) and (2) of section 1147(a) of such title
13 are amended by striking “September 30, 2001” and in-
14 serting “December 31, 2001”.

15 (k) CONTINUED ENROLLMENT OF DEPENDENTS IN
16 DEFENSE DEPENDENTS’ EDUCATION SYSTEM.—Section
17 1407(c)(1) of the Defense Dependents’ Education Act of
18 1978 (20 U.S.C. 926(c)(1)) is amended by striking “Sep-
19 tember 30, 2001” and inserting “December 31, 2001”.

20 (l) FORCE REDUCTION TRANSITION PERIOD DE-
21 FINED FOR CERTAIN GUARD AND RESERVE BENEFITS.—
22 Section 4411 of the National Defense Authorization Act
23 for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended
24 by striking “September 30, 2001” and inserting “Decem-
25 ber 31, 2001”.

1 (m) TEMPORARY SPECIAL AUTHORITY FOR FORCE
2 REDUCTION PERIOD RETIREMENTS.—Section 4416(b)(1)
3 of the National Defense Authorization Act for Fiscal Year
4 1993 (10 U.S.C. 12681 note) is amended by striking “Oc-
5 tober 1, 2001” and inserting “the end of the force reduc-
6 tion period”.

7 (n) RETIRED PAY FOR NON-REGULAR SERVICE.—
8 (1) Section 12731(f) of title 10, United States Code, is
9 amended by striking “September 30, 2001” and inserting
10 “December 31, 2001”.

11 (2) Section 12731a of such title is amended—

12 (A) in subsection (a)(1)(B), by striking “Octo-
13 ber 1, 2001” and inserting “the end of the period
14 described in subsection (b)”;

15 (B) in subsection (b), by striking “October 1,
16 2001” and inserting “December 31, 2001”.

17 (o) AFFILIATION WITH GUARD AND RESERVE
18 UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section
19 1150(a) of such title is amended by striking “September
20 30, 2001” and inserting “December 31, 2001”.

21 (p) RESERVE MONTGOMERY GI BILL.—Section
22 16133(b)(1)(B) of such title is amended by striking “Sep-
23 tember 30, 2001” and inserting “December 31, 2001”.

1 **SEC. 572. VOLUNTARY SEPARATION INCENTIVE.**

2 (a) AUTHORITY FOR TERMINATION UPON ENTITLE-
3 MENT TO RETIRED PAY.—Section 1175(e)(3) of title 10,
4 United States Code, is amended—

5 (1) inserting “(A)” after “(3)”; and

6 (2) by adding at the end the following new sub-
7 paragraph:

8 “(B) If a member is receiving simultaneous voluntary
9 separation incentive payments and retired or retainer pay,
10 the member may elect to terminate the receipt of vol-
11 untary separation incentive payments. Any such election
12 is permanent and irrevocable. The rate of monthly
13 recoupment from retired or retainer pay of voluntary sepa-
14 ration incentive payments received after such an election
15 shall be reduced by a percentage that is equal to a fraction
16 with a denominator equal to the number of months that
17 the voluntary separation incentive payments were sched-
18 uled to be paid and a numerator equal to the number of
19 months that would not be paid as a result of the member’s
20 decision to terminate the voluntary separation incentive.”.

21 (b) EFFECTIVE DATE.—Subparagraph (B) of section
22 1175(e)(3) of title 10, United States Code, as added by
23 subsection (a), shall apply with respect to decisions by
24 members to terminate voluntary separation incentive pay-
25 ments under section 1175 of title 10, United States Code,
26 to be effective after September 30, 2000.

1 **SEC. 573. CONGRESSIONAL REVIEW PERIOD FOR ASSIGN-**
2 **MENT OF WOMEN TO DUTY ON SUBMARINES**
3 **AND FOR ANY PROPOSED RECONFIGURATION**
4 **OR DESIGN OF SUBMARINES TO ACCOMMO-**
5 **DATE FEMALE CREW MEMBERS.**

6 (a) IN GENERAL.—(1) Chapter 555 of title 10,
7 United States Code, is amended by adding at the end the
8 following new section:

9 **“§ 6035. Female members: congressional review pe-**
10 **riod for assignment to duty on sub-**
11 **marines or for reconfiguration of sub-**
12 **marines**

13 “(a) No change in the Department of the Navy policy
14 limiting service on submarines to males, as in effect on
15 May 10, 2000, may take effect until—

16 “(1) the Secretary of Defense submits to Con-
17 gress written notice of the proposed change; and

18 “(2) a period of 30 days of continuous session
19 of Congress (excluding any day on which either
20 House of Congress is not in session) expires fol-
21 lowing the date on which the notice is received.

22 “(b) No funds available to the Department of the
23 Navy may be expended to reconfigure any existing sub-
24 marine, or to design any new submarine, to accommodate
25 female crew members until—

1 “(1) the Secretary of Defense submits to Con-
 2 gress written notice of the proposed reconfiguration
 3 or design; and

4 “(2) a period of 30 days of continuous session
 5 of Congress (excluding any day on which either
 6 House of Congress is not in session) expires fol-
 7 lowing the date on which the notice is received.

8 “(c) For purposes of this section, the continuity of
 9 a session of Congress is broken only by an adjournment
 10 of the Congress sine die.”.

11 (2) The table of sections at the beginning of such
 12 chapter is amended by adding at the end the following
 13 new item:

“6035. Female members: congressional review period for assignment to duty on
 submarines or for reconfiguration of submarines.”.

14 (b) CONFORMING AMENDMENT.—Section 542(a)(1)
 15 of the National Defense Authorization Act for Fiscal Year
 16 1994 (10 U.S.C. 113 note) is amended by inserting “or
 17 by section 6035 of title 10, United States Code” after
 18 “Except in a case covered by subsection (b)”.

19 **SEC. 574. MANAGEMENT AND PER DIEM REQUIREMENTS**
 20 **FOR MEMBERS SUBJECT TO LENGTHY OR NU-**
 21 **MEROUS DEPLOYMENTS.**

22 (a) APPROVING AUTHORITY FOR LENGTHY DEPLOY-
 23 MENTS OF MEMBERS.—Subsection (a) of section 991 of
 24 title 10, United States Code, is amended—

1 (1) by striking “unless an officer” in the second
2 sentence of paragraph (1) and all that follows
3 through the period at the end of that sentence and
4 inserting a period and the following: “However, the
5 member may be deployed, or continued in a deploy-
6 ment, without regard to the preceding sentence if
7 such deployment, or continued deployment, is
8 approved—

9 “(A) in the case of a member who is assigned
10 to a combatant command in a position under the
11 operational control of the officer in that combatant
12 command who is the service component commander
13 for the members of that member’s armed force in
14 that combatant command, by that officer; and

15 “(B) in the case of a member not assigned as
16 described in subparagraph (A), by the service chief
17 of that member’s armed force (or, if so designated
18 by that service chief, by an officer of the same
19 armed force on active duty who is in the grade of
20 general or admiral or who is the personnel chief for
21 that armed force).”; and

22 (2) by adding at the end the following new
23 paragraph:

24 “(3) In paragraph (1)(B), the term ‘service chief’
25 means the Chief of Staff of the Army, the Chief of Naval

1 Operations, the Chief of Staff of the Air Force, or the
2 Commandant of the Marine Corps.”.

3 (b) CLARIFICATION OF DEFINITION OF DEPLOY-
4 MENT.—Subsection (b) of such section is amended—

5 (1) in paragraph (1), by inserting “or home-
6 port, as the case may be” before the period at the
7 end;

8 (2) by redesignating paragraphs (2) and (3) as
9 paragraphs (3) and (4), respectively;

10 (3) by inserting after paragraph (1) the fol-
11 lowing new paragraph (2):

12 “(2) In the case of a member of a reserve component
13 performing active service, the member shall be considered
14 deployed or in a deployment for the purposes of paragraph
15 (1) on any day on which, pursuant to orders that do not
16 establish a permanent change of station, the member is
17 performing the active service at a location that—

18 “(A) is not the member’s permanent training
19 site; and

20 “(B) is—

21 “(i) at least 100 miles from the member’s
22 permanent residence; or

23 “(ii) a lesser distance from the member’s
24 permanent residence that, under the cir-
25 cumstances applicable to the member’s travel, is

1 a distance that requires at least three hours of
2 travel to traverse.”; and

3 (4) in paragraph (3), as redesignated by para-
4 graph (2) of this subsection—

5 (A) by striking “or” at the end of subpara-
6 graph (A);

7 (B) by striking the period at the end of
8 subparagraph (B) and inserting “; or”; and

9 (C) by adding at the end the following new
10 subparagraph:

11 “(C) unavailable solely because of—

12 “(i) a hospitalization of the member at the
13 member’s permanent duty station or homeport
14 or in the immediate vicinity of the member’s
15 permanent residence; or

16 “(ii) a disciplinary action taken against the
17 member.”.

18 (c) ASSOCIATED PER DIEM ALLOWANCE.—Section
19 435 of title 37, United States Code (as added to that title
20 effective October 1, 2001, by section 586(b) of the Na-
21 tional Defense Authorization Act for Fiscal Year 2000
22 (Public Law 106–65; 113 Stat. 638)) is amended—

23 (1) in subsection (a), by striking “251 days or
24 more out of the preceding 365 days” and inserting

1 “401 or more days out of the preceding 730 days”;
2 and

3 (2) in subsection (b), by striking “prescribed
4 under paragraph (3)” and inserting “prescribed
5 under paragraph (4)”.

6 (d) REVIEW OF MANAGEMENT OF DEPLOYMENTS OF
7 INDIVIDUAL MEMBERS.— Not later than March 31, 2002,
8 the Secretary of Defense shall submit to the Committees
9 on Armed Services of the Senate and the House of Rep-
10 resentatives a report on the administration of section 991
11 of title 10, United States Code, during fiscal year 2001.
12 The report shall include—

13 (1) a discussion of the experience in tracking
14 and recording the deployments of members of the
15 Armed Forces; and

16 (2) any recommendations for revision of such
17 section that the Secretary considers appropriate.

18 (e) EFFECTIVE DATE.—If this Act is enacted before
19 October 1, 2000, the amendments made by subsections (a)
20 and (b) shall take effect on October 1, 2000, immediately
21 after the amendment made by section 586(a) of the Na-
22 tional Defense Authorization Act for Fiscal Year 2000
23 (Public Law 106–65; 113 Stat. 637) adding section 991
24 of title 10, United States Code, to such title.

1 **SEC. 575. PAY IN LIEU OF ALLOWANCE FOR FUNERAL HON-**
2 **ORS DUTY.**

3 (a) COMPENSATION AT RATE FOR INACTIVE-DUTY
4 TRAINING.—(1) Section 115(b)(2) of title 32, United
5 States Code, is amended to read as follows:

6 “(2) as directed by the Secretary concerned,
7 either—

8 “(A) the allowance under section 435 of
9 title 37; or

10 “(B) compensation under section 206 of
11 title 37.”.

12 (2) Section 12503(b)(2) of title 10, United States
13 Code, is amended to read as follows:

14 “(2) as directed by the Secretary concerned,
15 either—

16 “(A) the allowance under section 435 of
17 title 37; or

18 “(B) compensation under section 206 of
19 title 37.”.

20 (b) CONFORMING REPEAL.—Section 435 of title 37,
21 United States Code, is amended by striking subsection (c).

22 (c) APPLICABILITY.—The amendments made by this
23 section shall apply with respect to funeral honors duty per-
24 formed on or after October 1, 2000.

1 **SEC. 576. TEST OF ABILITY OF RESERVE COMPONENT IN-**
2 **TELLIGENCE UNITS AND PERSONNEL TO**
3 **MEET CURRENT AND EMERGING DEFENSE**
4 **INTELLIGENCE NEEDS.**

5 (a) TEST PROGRAM REQUIRED.—(1) Beginning not
6 later than June 1, 2001, the Secretary of Defense shall
7 conduct a three-year test program of reserve component
8 intelligence units and personnel. The purpose of the test
9 program shall be—

10 (A) to determine the most effective peacetime
11 structure and operational employment of reserve
12 component intelligence assets for meeting current
13 and future Department of Defense peacetime oper-
14 ational intelligence requirements; and

15 (B) to establish a means to coordinate and
16 transition that peacetime intelligence operational
17 support network into use for meeting wartime re-
18 quirements.

19 (2) The test program shall be carried out using the
20 Joint Reserve Intelligence Program and appropriate re-
21 serve component intelligence units and personnel.

22 (3) In conducting the test program, the Secretary of
23 Defense shall expand the current Joint Reserve Intel-
24 ligence Program as needed to meet the objectives of the
25 test program.

1 (b) OVERSIGHT PANEL.—The Secretary shall estab-
2 lish an oversight panel to structure the test program so
3 as to achieve the objectives of the test program, ensure
4 proper funding for the test program, and oversee the con-
5 duct and evaluation of the test program. The panel mem-
6 bers shall include—

7 (1) the Assistant Secretary of Defense for Com-
8 mand, Control, Communications and Intelligence;

9 (2) the Assistant Secretary of Defense for Re-
10 serve Affairs; and

11 (3) representatives from the Defense Intel-
12 ligence Agency, the Army, Navy, Air Force, and Ma-
13 rine Corps, the Joint Staff, and the combatant com-
14 mands.

15 (c) TEST PROGRAM OBJECTIVES.—The test program
16 shall have the following objectives:

17 (1) To identify the range of peacetime roles and
18 missions that are appropriate for reserve component
19 intelligence units and personnel, including the fol-
20 lowing missions: counterdrug, counterintelligence,
21 counterterrorism, information operations, informa-
22 tion warfare, and other emerging threats.

23 (2) To recommend a process for justifying and
24 validating reserve component intelligence force struc-
25 ture and manpower to support the peacetime roles

1 and missions identified under paragraph (1) and to
2 establish a means to coordinate and transition that
3 peacetime operational support network and structure
4 into wartime requirements.

5 (3) To provide, pursuant to paragraphs (1) and
6 (2), the basis for new or revised intelligence and re-
7 serve component policy guidelines for the peacetime
8 use, organization, management, infrastructure ,and
9 funding of reserve component intelligence units and
10 personnel.

11 (4) To determine the most effective structure,
12 organization, manning, and management of Joint
13 Reserve Intelligence Centers to enable them to be
14 both reserve training facilities and virtual collabo-
15 rative production facilities in support of Department
16 of Defense peacetime operational intelligence re-
17 quirements.

18 (5) To determine the most effective uses of
19 technology for virtual collaborative intelligence oper-
20 ational support during peacetime and wartime.

21 (6) To determine personnel and career manage-
22 ment initiatives or modifications that are required to
23 improve the recruiting and retention of personnel in
24 the reserve component intelligence specialties and oc-
25 cupational skills.

1 (7) To identify and make recommendations for
2 the elimination of statutory prohibitions and barriers
3 to using reserve component intelligence units and in-
4 dividuals to carry out peacetime operational require-
5 ments.

6 (d) REPORTS.—The Secretary of Defense shall sub-
7 mit to Congress—

8 (1) interim reports on the status of the test
9 program not later than July 1, 2002, and July 1,
10 2003; and

11 (2) a final report, with such recommendations
12 for changes as the Secretary considers necessary,
13 not later than December 1, 2004.

14 **SEC. 577. NATIONAL GUARD CHALLENGE PROGRAM.**

15 (a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—
16 Subsection (a) of section 509 of title 32, United States
17 Code, is amended by striking “, acting through the Chief
18 of the National Guard Bureau,”.

19 (b) SOURCES OF FEDERAL SUPPORT.—Subsection
20 (b) of such section is amended—

21 (1) by inserting “(1)” before “The Secretary of
22 Defense”;

23 (2) by striking “, except that Federal expendi-
24 tures under the program may not exceed
25 \$62,500,000 for any fiscal year”; and

1 (3) by adding at the end the following new
2 paragraphs:

3 “(2) The Secretary shall carry out the National
4 Guard Challenge Program using—

5 “(A) funds appropriated directly to the Sec-
6 retary of Defense for the program, except that the
7 amount of funds appropriated directly to the Sec-
8 retary and expended for the program in a fiscal year
9 may not exceed \$62,500,000; and

10 “(B) nondefense funds made available or trans-
11 ferred to the Secretary of Defense by other Federal
12 agencies to support the program.

13 “(3) Federal funds made available or transferred to
14 the Secretary of Defense under paragraph (2)(B) by other
15 Federal agencies to support the National Guard Challenge
16 Program may be expended for the program in excess of
17 the fiscal year limitation specified in paragraph (2)(A).”.

18 (c) REGULATIONS.—Such section is further amended
19 by adding at the end the following new subsection:

20 “(m) REGULATIONS.—The Secretary of Defense shall
21 prescribe regulations to carry out the National Guard
22 Challenge Program. The regulations shall address at a
23 minimum the following:

24 “(1) The terms to be included in the program
25 agreements required by subsection (c).

1 “(2) The qualifications for persons to partici-
2 pate in the program, as required by subsection (e).

3 “(3) The benefits authorized for program par-
4 ticipants, as required by subsection (f).

5 “(4) The status of National Guard personnel
6 assigned to duty in support of the program under
7 subsection (g).

8 “(5) The conditions for the use of National
9 Guard facilities and equipment to carry out the pro-
10 gram, as required by subsection (h).

11 “(6) The status of program participants, as de-
12 scribed in subsection (i).

13 “(7) The procedures to be used by the Sec-
14 retary when communicating with States about the
15 program.”.

16 (d) CONFORMING AMENDMENT.—Section 2033 of
17 title 10, United States Code, is amended by striking “ap-
18 propriated for” and inserting “appropriated directly to the
19 Secretary of Defense for”.

20 **SEC. 578. STUDY OF USE OF CIVILIAN CONTRACTOR PILOTS**
21 **FOR OPERATIONAL SUPPORT MISSIONS.**

22 (a) STUDY.—The Secretary of Defense shall conduct
23 a study to determine the feasibility and cost, as well as
24 the advantages and disadvantages, of using civilian con-
25 tractor personnel as pilots and other air crew members

1 to fly nonmilitary Government aircraft (referred to as
2 “operational support aircraft”) to perform non-combat
3 personnel transportation missions worldwide. In carrying
4 out the study, the Secretary shall consider the views and
5 recommendations of the Chairman of the Joint Chiefs and
6 the other members of the Joint Chiefs of Staff.

7 (b) MATTERS TO BE INCLUDED.—The study shall,
8 as a minimum—

9 (1) determine whether use of civilian contractor
10 personnel as pilots and other air crew members for
11 such operational support missions would be a cost
12 effective means of freeing for duty in units with
13 combat and combat support missions those military
14 pilots and other personnel who now perform such
15 operational support missions; and

16 (2) the effect on retention of military pilots and
17 other personnel if they are no longer required to fly
18 operational support missions.

19 (c) SUBMISSION OF REPORT.—The Secretary shall
20 submit a report containing the results of the study to the
21 Committee on Armed Services of the Senate and the Com-
22 mittee on Armed Services of the House of Representatives
23 not later than six months after the date of the enactment
24 of this Act.

1 **SEC. 579. REIMBURSEMENT FOR EXPENSES INCURRED BY**
2 **MEMBERS IN CONNECTION WITH CANCELLA-**
3 **TION OF LEAVE ON SHORT NOTICE.**

4 (a) REIMBURSEMENT AUTHORIZED.—Chapter 53 of
5 title 10, United States Code, is amended by inserting after
6 section 1053 the following new section:

7 **“§ 1053a. Expenses incurred in connection with leave**
8 **canceled due to contingency operations:**
9 **reimbursement**

10 “(a) AUTHORIZATION TO REIMBURSE.—The Sec-
11 retary concerned may reimburse a member of the armed
12 forces under the jurisdiction of the Secretary for travel
13 and related expenses (to the extent not otherwise reim-
14 bursable under law) incurred by the member as a result
15 of the cancellation of previously approved leave when the
16 leave is canceled in connection with the member’s partici-
17 pation in a contingency operation and the cancellation oc-
18 curs within 48 hours of the time the leave would have com-
19 menced.

20 “(b) REGULATIONS.—The Secretary of Defense shall
21 prescribe regulations to establish the criteria for the appli-
22 cability of subsection (a).

23 “(c) CONCLUSIVENESS OF SETTLEMENT.—The set-
24 tlement of an application for reimbursement under sub-
25 section (a) is final and conclusive.”.

1 (b) EFFECTIVE DATE.—Section 1053a of title 10,
 2 United States Code, as added by subsection (a) shall apply
 3 with respect to any travel and related expenses incurred
 4 by a member in connection with leave canceled after the
 5 date of the enactment of this Act.

6 (c) CONFORMING AND CLERICAL AMENDMENTS.—
 7 (1) The heading of section 1052 of such title is amended
 8 to read as follows:

9 **“§ 1052. Adoption expenses: reimbursement”.**

10 (2) The heading of section 1053 of such title is
 11 amended to read as follows:

12 **“§ 1053. Financial institution charges incurred be-**
 13 **cause of Government error in direct de-**
 14 **posit of pay: reimbursement”.**

15 (3) The table of sections at the beginning of chapter
 16 53 of such title is amended by striking the items relating
 17 to sections 1052 and 1053 and inserting the following:

“1052. Adoption expenses: reimbursement.

“1053. Financial institution charges incurred because of Government error in
 direct deposit of pay: reimbursement.

“1053a. Expenses incurred in connection with leave canceled due to contingency
 operations: reimbursement.”.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2001.

Sec. 602. Additional restructuring of basic pay rates for enlisted members.

Sec. 603. Revised method for calculation of basic allowance for subsistence.

Sec. 604. Family subsistence supplemental allowance for low-income members
 of the Armed Forces.

Sec. 605. Basic allowance for housing.

Sec. 606. Additional amount available for fiscal year 2001 increase in basic al-
 lowance for housing inside the United States.

- Sec. 607. Equitable treatment of junior enlisted members in computation of basic allowance for housing.
- Sec. 608. Eligibility of members in grade E-4 to receive basic allowance for housing while on sea duty.
- Sec. 609. Personal money allowance for senior enlisted members of the Armed Forces.
- Sec. 610. Increased uniform allowances for officers.
- Sec. 611. Cabinet-level authority to prescribe requirements and allowance for clothing of enlisted members.
- Sec. 612. Increase in monthly subsistence allowance for members of precommissioning programs.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 621. Extension of certain bonuses and special pay authorities for reserve forces.
- Sec. 622. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 623. Extension of authorities relating to payment of other bonuses and special pays.
- Sec. 624. Revision of enlistment bonus authority.
- Sec. 625. Consistency of authorities for special pay for reserve medical and dental officers.
- Sec. 626. Elimination of required congressional notification before implementation of certain special pay authority.
- Sec. 627. Special pay for physician assistants of the Coast Guard.
- Sec. 628. Authorization of special pay and accession bonus for pharmacy officers.
- Sec. 629. Correction of references to Air Force veterinarians.
- Sec. 630. Career sea pay.
- Sec. 631. Increased maximum rate of special duty assignment pay.
- Sec. 632. Entitlement of members of the National Guard and other reserves not on active duty to receive special duty assignment pay.
- Sec. 633. Authorization of retention bonus for members of the Armed Forces qualified in a critical military skill.
- Sec. 634. Entitlement of active duty officers of the Public Health Service Corps to special pays and bonuses of health professional officers of the Armed Forces.

Subtitle C—Travel and Transportation Allowances

- Sec. 641. Advance payments for temporary lodging of members and dependents.
- Sec. 642. Additional transportation allowance regarding baggage and household effects.
- Sec. 643. Incentive for shipping and storing household goods in less than average weights.
- Sec. 644. Equitable dislocation allowances for junior enlisted members.
- Sec. 645. Authority to reimburse military recruiters, Senior ROTC cadre, and military entrance processing personnel for certain parking expenses.
- Sec. 646. Expansion of funded student travel for dependents.

Subtitle D—Retirement and Survivor Benefit Matters

- Sec. 651. Exception to high-36 month retired pay computation for members retired following a disciplinary reduction in grade.
- Sec. 652. Increase in maximum number of Reserve retirement points that may be credited in any year.
- Sec. 653. Retirement from active reserve service after regular retirement.
- Sec. 654. Same treatment for Federal judges as for other Federal officials regarding payment of military retired pay.
- Sec. 655. Reserve component Survivor Benefit Plan spousal consent requirement.
- Sec. 656. Sense of Congress on increasing Survivor Benefit Plan annuities for surviving spouses age 62 or older.
- Sec. 657. Revision to special compensation authority to repeal exclusion of uniformed services retirees in receipt of disability retired pay.

Subtitle E—Other Matters

- Sec. 661. Participation in Thrift Savings Plan.
- Sec. 662. Determinations of income eligibility for special supplemental food program.
- Sec. 663. Billeting services for reserve members traveling for inactive-duty training.
- Sec. 664. Settlement of claims for payments for unused accrued leave and for retired pay.
- Sec. 665. Additional benefits and protections for personnel incurring injury, illness, or disease in the performance of funeral honors duty.
- Sec. 666. Authority for extension of deadline for filing claims associated with capture and internment of certain persons by North Vietnam.
- Sec. 667. Back pay for members of the Navy and Marine Corps selected for promotion while interned as prisoners of war during World War II.
- Sec. 668. Sense of Congress concerning funding for reserve components.

1 Subtitle A—Pay and Allowances

2 SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.

3 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
4 adjustment to become effective during fiscal year 2001 re-
5 quired by section 1009 of title 37, United States Code,
6 in the rates of monthly basic pay authorized members of
7 the uniformed services shall not be made.

8 (b) INCREASE IN BASIC PAY.—Effective on January
9 1, 2001, the rates of monthly basic pay for members of
10 the uniformed services are increased by 3.7 percent.

1 SEC. 602. ADDITIONAL RESTRUCTURING OF BASIC PAY
2 RATES FOR ENLISTED MEMBERS.

3 (a) MINIMUM PAY INCREASES FOR MID-LEVEL EN-
4 LISTED GRADES.—(1) Subject to paragraph (2), effective
5 on July 1, 2001, the rates of monthly basic pay for en-
6 listed members of the Armed Forces in the pay grades
7 E–7, E–6, and E–5 shall be as follows:

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–7 ...	1,831.20	1,999.20	2,075.10	2,149.80	2,228.10
E–6 ...	1,575.00	1,740.30	1,817.40	1,891.80	1,969.80
E–5 ...	1,381.80	1,549.20	1,623.90	1,701.00	1,779.30
	Over 8	Over 10	Over 12	Over 14	Over 16
E–7 ...	2,362.20	2,437.80	2,512.80	2,588.10	2,666.10
E–6 ...	2,097.30	2,174.10	2,248.80	2,325.00	2,379.60
E–5 ...	1,888.50	1,962.90	2,040.30	2,040.30	2,040.30
	Over 18	Over 20	Over 22	Over 24	Over 26
E–7 ...	2,742.00	2,817.90	2,949.60	3,034.80	3,250.50
E–6 ...	2,421.30	2,421.30	2,421.30	2,421.30	2,421.30
E–5 ...	2,040.30	2,040.30	2,040.30	2,040.30	2,040.30

8 (2) The amounts specified in the table in paragraph
9 (1) are subject to such revision as the Secretary of De-
10 fense and the Secretary of Transportation may prescribe
11 under subsection (b)(1)(A).

12 (b) SECRETARIAL AUTHORITY TO FURTHER RE-
13 VISE.—(1) To ensure the efficient and effective operation
14 of the military pay system, the Secretary of Defense, and
15 the Secretary of Transportation with regard to the Coast
16 Guard, may—

1 (A) further increase any of the amounts speci-
2 fied in the table in subsection (a) for enlisted mem-
3 bers of the Armed Forces in the pay grades E-7, E-
4 6, and E-5; and

5 (B) increase any of the amounts specified for
6 other enlisted members in the table under the head-
7 ing “ENLISTED MEMBERS” in section 601(c) of
8 the National Defense Authorization Act for Fiscal
9 Year 2000 (Public Law 106-65; 113 Stat. 648), as
10 adjusted on January 1, 2001, pursuant to section
11 601(b) of this Act.

12 (2) The revisions in monthly basic pay made by the
13 Secretary of Defense and the Secretary of Transportation
14 under paragraph (1) shall take effect on July 1, 2001,
15 but only if the Secretaries also comply with paragraph (3).

16 (3) If the Secretary of Defense or the Secretary of
17 Transportation exercises the authority provided by para-
18 graph (1), the Secretaries shall include, in the budget jus-
19 tification materials submitted to Congress in support of
20 the President’s budget submitted under section 1105 of
21 title 31, United States Code, for fiscal year 2002—

22 (A) a revised pay table for enlisted members of
23 the Armed Forces to reflect the increases in monthly
24 basic pay to take effect on July 1, 2001; and

1 (B) a description of the various increases made
2 and the reasons therefor.

3 **SEC. 603. REVISED METHOD FOR CALCULATION OF BASIC**
4 **ALLOWANCE FOR SUBSISTENCE.**

5 (a) ANNUAL REVISION OF RATE.—Subsection (b) of
6 section 402 of title 37, United States Code, is amended—

7 (1) in paragraph (1), by striking “The monthly
8 rate” and inserting “Through December 31, 2001,
9 the monthly rate”;

10 (2) by redesignating paragraph (2) as para-
11 graph (3); and

12 (3) by inserting after paragraph (1) the fol-
13 lowing new paragraph:

14 “(2) On and after January 1, 2002, the monthly rate
15 of basic allowance for subsistence to be in effect for an
16 enlisted member for a year (beginning on January 1 of
17 that year) shall be equal to the sum of—

18 “(A) the monthly rate of basic allowance for
19 subsistence that was in effect for an enlisted mem-
20 ber for the preceding year; plus

21 “(B) the product of the monthly rate under
22 subparagraph (A) and the percentage increase in the
23 monthly cost of a liberal food plan for a male in the
24 United States who is between 20 and 50 years of

1 age over the preceding fiscal year, as determined by
2 the Secretary of Agriculture each October 1.”.

3 (b) CONFORMING AMENDMENT.—Subsection (d)(1)
4 of such section is amended by striking “established under
5 subsection (b)(1)” and inserting “in effect under para-
6 graph (1) or (2) of subsection (b)”.

7 (c) EARLY TERMINATION OF BAS TRANSITIONAL
8 AUTHORITY.—Effective October 1, 2001, subsections (c)
9 through (f) of section 602 of the National Defense Author-
10 ization Act for Fiscal Year 1998 (Public Law 105–85; 37
11 U.S.C. 402 note) are repealed.

12 **SEC. 604. FAMILY SUBSISTENCE SUPPLEMENTAL ALLOW-**
13 **ANCE FOR LOW-INCOME MEMBERS OF THE**
14 **ARMED FORCES.**

15 (a) SUPPLEMENTAL ALLOWANCE REQUIRED.—(1)
16 Chapter 7 of title 37, United States Code, is amended by
17 inserting after section 402 the following new section:

18 **“§ 402a. Supplemental subsistence allowance for low-**
19 **income members with dependents**

20 “(a) SUPPLEMENTAL ALLOWANCE REQUIRED.—(1)
21 The Secretary concerned shall increase the basic allowance
22 for subsistence to which a member of the armed forces
23 described in subsection (b) is otherwise entitled under sec-
24 tion 402 of this title by an amount (in this section referred
25 to as the ‘supplemental subsistence allowance’) designed

1 to remove the member's household from eligibility for ben-
2 efits under the food stamp program.

3 “(2) The supplemental subsistence allowance may not
4 exceed \$500 per month. In establishing the amount of the
5 supplemental subsistence allowance to be paid an eligible
6 member under this paragraph, the Secretary shall take
7 into consideration the amount of the basic allowance for
8 housing that the member receives under section 403 of
9 this title or would otherwise receive under such section,
10 in the case of a member who is not entitled to that allow-
11 ance as a result of assignment to quarters of the United
12 States or a housing facility under the jurisdiction of a uni-
13 formed service.

14 “(3) In the case of a member described in subsection
15 (b) who establishes to the satisfaction of the Secretary
16 concerned that the allotment of the member's household
17 under the food stamp program, calculated in the absence
18 of the supplemental subsistence allowance, would exceed
19 the amount established by the Secretary concerned under
20 paragraph (2), the amount of the supplemental subsist-
21 ence allowance for the member shall be equal to the lesser
22 of the following:

23 “(A) The value of that allotment.

24 “(B) \$500.

1 “(b) MEMBERS ENTITLED TO ALLOWANCE.—(1)

2 Subject to subsection (d), a member of the armed forces
3 is entitled to receive the supplemental subsistence allow-
4 ance if the Secretary concerned determines that the mem-
5 ber’s income, together with the income of the rest of the
6 member’s household (if any), is within the highest income
7 standard of eligibility, as then in effect under section 5(c)
8 of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) and
9 without regard to paragraph (1) of such section, for par-
10 ticipation in the food stamp program.

11 “(2) In determining whether a member meets the eli-
12 gibility criteria under paragraph (1), the Secretary—

13 “(A) shall not take into consideration the
14 amount of the supplemental subsistence allowance
15 payable under this section; but

16 “(B) shall take into consideration the amount
17 of the basic allowance for housing that the member
18 receives under section 403 of this title or would oth-
19 erwise receive under such section, in the case of a
20 member who is not entitled to that allowance as a
21 result of assignment to quarters of the United
22 States or a housing facility under the jurisdiction of
23 a uniformed service.

24 “(c) APPLICATION FOR ALLOWANCE.—To request
25 the supplemental subsistence allowance, a member shall

1 submit an application to the Secretary concerned in such
2 form and containing such information as the Secretary
3 concerned may prescribe. A member applying for the sup-
4 plemental subsistence allowance shall furnish such evi-
5 dence regarding the member's satisfaction of the eligibility
6 criteria under subsection (b) as the Secretary concerned
7 may require.

8 “(d) EFFECTIVE PERIOD.—The entitlement of a
9 member to receive the supplemental subsistence allowance
10 terminates upon the occurrence of any of the following
11 events, even though the member continues to meet the eli-
12 gibility criteria described in subsection (b):

13 “(1) Payment of the supplemental subsistence
14 allowance for 12 consecutive months.

15 “(2) Promotion of the member to a higher
16 grade.

17 “(3) Transfer of the member in a permanent
18 change of station.

19 “(e) REAPPLICATION.—Upon the termination of the
20 effective period of the supplemental subsistence allowance
21 for a member, or in anticipation of the imminent termi-
22 nation of the allowance, a member may reapply for the
23 allowance under subsection (c), and the Secretary con-
24 cerned shall approve the application and resume payment
25 of the allowance to the member, if the member continues

1 to meet, or once again meets, the eligibility criteria de-
2 scribed in subsection (b).

3 “(f) REPORTING REQUIREMENT.—Not later than
4 March 1 of each year after 2001, the Secretary of Defense
5 shall submit to Congress a report specifying the number
6 of members of the armed forces who received, at any time
7 during the preceding year, the supplemental subsistence
8 allowance. In preparing the report, the Secretary of De-
9 fense shall consult with the Secretary of Transportation.
10 No report is required under this subsection after March
11 1, 2006.

12 “(g) DEFINITIONS.—In this section:

13 “(1) The term ‘Secretary concerned’ means—

14 “(A) the Secretary of Defense; and

15 “(B) the Secretary of Transportation, with
16 respect to the Coast Guard when it is not oper-
17 ating as a service in the Navy.

18 “(2) The terms ‘allotment’ and ‘household’ have
19 the meanings given those terms in section 3 of the
20 Food Stamp Act of 1977 (7 U.S.C. 2012).

21 “(3) The term ‘food stamp program’ means the
22 program established pursuant to section 4 of the
23 Food Stamp Act of 1977 (7 U.S.C. 2013).

1 “(h) TERMINATION OF AUTHORITY.—No supple-
2 mental subsistence allowance may be provided under this
3 section after September 30, 2006.”.

4 (2) The table of sections at the beginning of such
5 chapter is amended by inserting after the item relating
6 to section 402 the following:

 “402a. Supplemental subsistence allowance for low-income members with de-
 pendents.”.

7 (b) EFFECTIVE DATE.—Section 402a of title 37,
8 United States Code, as added by subsection (a), shall take
9 effect on the first day of the first month that begins not
10 less than 180 days after the date of the enactment of this
11 Act.

12 **SEC. 605. BASIC ALLOWANCE FOR HOUSING.**

13 (a) CALCULATION OF RATES.—Subsection (b) of sec-
14 tion 403 of title 37, United States Code, is amended—

15 (1) by striking paragraph (2);

16 (2) by redesignating paragraph (1) as para-
17 graph (2); and

18 (3) by inserting after the subsection heading
19 the following: “(1) The Secretary of Defense shall
20 prescribe the rates of the basic allowance for housing
21 that are applicable for the various military housing
22 areas in the United States. The rates for an area
23 shall be based on the costs of adequate housing de-
24 termined for the area under paragraph (2).”.

1 (b) MINIMUM ANNUAL AMOUNT AVAILABLE FOR
2 HOUSING ALLOWANCES.—Subsection (b) of such section
3 is further amended—

4 (1) by striking paragraphs (3) and (5); and

5 (2) by inserting after paragraph (2) the fol-
6 lowing new paragraph:

7 “(3) The total amount that may be paid for a fiscal
8 year for the basic allowance for housing under this sub-
9 section may not be less than the product of—

10 “(A) the total amount authorized to be paid for
11 such allowance for the preceding fiscal year; and

12 “(B) a fraction—

13 “(i) the numerator of which is the index of
14 the national average monthly cost of housing
15 for June of the preceding fiscal year; and

16 “(ii) the denominator of which is the index
17 of the national average monthly cost of housing
18 for June of the second preceding fiscal year.”.

19 (c) LIMITATIONS ON REDUCTION IN MEMBER’S AL-
20 LOWANCE.—(1) Paragraph (6) of such subsection is
21 amended by striking “, changes in the national average
22 monthly cost of housing,”.

23 (2) Paragraph (7) of such subsection is amended by
24 striking “without dependents”.

1 (d) ALLOWANCE WHEN DEPENDENTS ARE UNABLE
2 TO ACCOMPANY MEMBERS.—Subsection (d) of such sec-
3 tion is amended by striking paragraph (3) and inserting
4 the following new paragraph:

5 “(3) If a member with dependents is assigned to duty
6 in an area that is different from the area in which the
7 member’s dependents reside, the member is entitled to a
8 basic allowance for housing as provided in subsection (b)
9 or (c), whichever applies to the member, subject to the
10 following:

11 “(A) If the member’s assignment to duty in
12 that area, or the circumstances of that assignment,
13 require the member’s dependents to reside in a dif-
14 ferent area, as determined by the Secretary con-
15 cerned, the amount of the basic allowance for hous-
16 ing for the member shall be based on the area in
17 which the dependents reside or the member’s last
18 duty station, whichever the Secretary concerned de-
19 termines to be most equitable.

20 “(B) If the member’s assignment to duty in
21 that area is under the conditions of a low-cost or no-
22 cost permanent change of station or permanent
23 change of assignment, the amount of the basic allow-
24 ance for housing for the member shall be based on
25 the member’s last duty station if the Secretary con-

1 cerned determines that it would be inequitable to
2 base the allowance on the cost of housing in the area
3 to which the member is reassigned.”.

4 (e) EXTENSION OF TRANSITION PERIOD.—Section
5 603(b) of the National Defense Authorization Act for Fis-
6 cal Year 1998 (Public Law 105–85; 37 U.S.C. 403 note)
7 is amended by striking “six years” and inserting “eight
8 years”.

9 (f) EFFECTIVE DATE; APPLICATION.—(1) The
10 amendments made by this section shall take effect on Oc-
11 tober 1, 2000.

12 (2) In the case of the amendment made by subsection
13 (c)(2), the amendment shall apply with respect to pay pe-
14 riods beginning on and after October 1, 2000, for a mem-
15 ber of the uniformed services covered by the provision of
16 law so amended regardless of the date on which the mem-
17 ber was first reassigned to duty under the conditions of
18 a low-cost or no-cost permanent change of station or per-
19 manent change of assignment.

20 (3) In the case of the amendment made by subsection
21 (d), the amendment shall apply with respect to pay periods
22 beginning on and after October 1, 2000, for a member
23 of the uniformed services covered by the provision of law
24 so amended regardless of the date on which the member

1 was first assigned to duty in an area that is different from
2 the area in which the member's dependents reside.

3 **SEC. 606. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL**
4 **YEAR 2001 INCREASE IN BASIC ALLOWANCE**
5 **FOR HOUSING INSIDE THE UNITED STATES.**

6 In addition to the amount determined by the Sec-
7 retary of Defense under section 403(b)(3) of title 37,
8 United States Code, as amended by section 605(b), to be
9 the total amount to be paid during fiscal year 2001 for
10 the basic allowance for housing for military housing areas
11 inside the United States, \$30,000,000 of the amount au-
12 thorized to be appropriated by section 421 for military
13 personnel shall be used by the Secretary to further in-
14 crease the total amount available for the basic allowance
15 for housing for military housing areas inside the United
16 States.

17 **SEC. 607. EQUITABLE TREATMENT OF JUNIOR ENLISTED**
18 **MEMBERS IN COMPUTATION OF BASIC AL-**
19 **LOWANCE FOR HOUSING.**

20 (a) DETERMINATION OF COSTS OF ADEQUATE
21 HOUSING.—Paragraph (2) of subsection (b) of section
22 403 of title 37, United States Code, as redesignated by
23 section 605(a)(2), is amended by adding at the end the
24 following new sentence: “After June 30, 2001, the Sec-
25 retary may not differentiate between members with de-

pendents in pay grades E-1 through E-4 in determining what constitutes adequate housing for members.”.

(b) SINGLE RATE; MINIMUM.—Subsection (b) of such section, as amended by section 605(b)(1), is amended by inserting after paragraph (4) the following new paragraph:

“(5) On and after July 1, 2001, the Secretary of Defense shall establish a single monthly rate for members of the uniformed services with dependents in pay grades E-1 through E-4 in the same military housing area. The rate shall be consistent with the rates paid to members in pay grades other than pay grades E-1 through E-4 and shall be based on the following:

“(A) The average cost of a two-bedroom apartment in that military housing area.

“(B) One-half of the difference between the average cost of a two-bedroom townhouse in that area and the amount determined in subparagraph (A).”.

SEC. 608. ELIGIBILITY OF MEMBERS IN GRADE E-4 TO RECEIVE BASIC ALLOWANCE FOR HOUSING WHILE ON SEA DUTY.

(a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of section 403 of title 37, United States Code, is amended—

(1) by striking “E-5” in the first sentence and inserting “E-4 or E-5”; and

1 (2) by striking “grade E–5” in the second sen-
 2 tence and inserting “grades E–4 and E–5”.

3 (b) CONFORMING AMENDMENT.—Subsection
 4 (m)(1)(B) of such section is amended by striking “E–4”
 5 and inserting “E–3”.

6 **SEC. 609. PERSONAL MONEY ALLOWANCE FOR SENIOR EN-**
 7 **LISTED MEMBERS OF THE ARMED FORCES.**

8 (a) AUTHORITY.—Section 414 of title 37, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing new subsection:

11 “(c) ALLOWANCE FOR SENIOR ENLISTED MEM-
 12 BERS.—In addition to other pay or allowances authorized
 13 by this title, a noncommissioned officer is entitled to a
 14 personal money allowance of \$2,000 a year while serving
 15 as the Sergeant Major of the Army, the Master Chief
 16 Petty Officer of the Navy, the Chief Master Sergeant of
 17 the Air Force, the Sergeant Major of the Marine Corps,
 18 or the Master Chief Petty Officer of the Coast Guard.”.

19 (b) STYLISTIC AMENDMENTS.—Such section is fur-
 20 ther amended—

21 (1) in subsection (a), by inserting “ALLOWANCE
 22 FOR OFFICERS SERVING IN CERTAIN RANKS OR PO-
 23 SITIONS.—” after “(a)”; and

24 (2) in subsection (b), by inserting “ALLOWANCE
 25 FOR CERTAIN NAVAL OFFICERS.—” after “(b)”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on October 1, 2000.

3 **SEC. 610. INCREASED UNIFORM ALLOWANCES FOR OFFI-**
4 **CERS.**

5 (a) INITIAL ALLOWANCE.—Section 415(a) of title 37,
6 United States Code, is amended by striking “\$200” and
7 inserting “\$400”.

8 (b) ADDITIONAL ALLOWANCE.—Section 416(a) of
9 such title is amended by striking “\$100” and inserting
10 “\$200”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on October 1, 2000.

13 **SEC. 611. CABINET-LEVEL AUTHORITY TO PRESCRIBE RE-**
14 **QUIREMENTS AND ALLOWANCE FOR CLOTH-**
15 **ING OF ENLISTED MEMBERS.**

16 Section 418 of title 37, United States Code, is
17 amended—

18 (1) in subsection (a), by striking “The Presi-
19 dent” and inserting “The Secretary of Defense and
20 the Secretary of Transportation, with respect to the
21 Coast Guard when it is not operating as a service
22 in the Navy,”; and

23 (2) in subsection (b), by striking “the Presi-
24 dent” and inserting “the Secretary of Defense”.

1 **SEC. 612. INCREASE IN MONTHLY SUBSISTENCE ALLOW-**
2 **ANCE FOR MEMBERS OF**
3 **PRECOMMISSIONING PROGRAMS.**

4 (a) PAY RATES FOR CADETS AND MIDSHIPMEN.—

5 Section 203(c) of title 37, United States Code, is amended
6 by striking “at the rate of \$600.00.” and inserting “at
7 the monthly rate equal to 35 percent of the basic pay of
8 a commissioned officer in the pay grade O–1 with less
9 than two years of service.”.

10 (b) SUBSISTENCE ALLOWANCE RATES.—Subsection
11 (a) of section 209 of such title is amended—

12 (1) by inserting “(1)” before “Except”;

13 (2) by striking “subsistence allowance of \$200
14 a month” and inserting “monthly subsistence allow-
15 ance at a rate prescribed under paragraph (2)”;

16 (3) by striking “Subsistence” and inserting the
17 following:

18 “(3) A subsistence”; and

19 (4) by inserting after the first sentence the fol-
20 lowing:

21 “(2) The Secretary of Defense shall prescribe by reg-
22 ulation the monthly rates for subsistence allowances pro-
23 vided under this section. The rate may not be less than
24 \$250 per month, but may not exceed \$674 per month.”.

25 (c) CONFORMING AND STYLISTIC AMENDMENTS.—

26 Section 209 of such title is further amended—

1 (1) in subsection (a), by inserting “SENIOR
2 ROTC MEMBERS IN ADVANCED TRAINING.—” after
3 “(a)”;

4 (2) in subsection (b)—

5 (A) by inserting “SENIOR ROTC MEM-
6 BERS APPOINTED IN RESERVES.—” after
7 “(b)”;

8 (B) by striking “in the amount provided in
9 subsection (a)” and inserting “at a rate pre-
10 scribed under subsection (a)”;

11 (3) in subsection (c), by inserting “PAY WHILE
12 ATTENDING TRAINING OR PRACTICE CRUISE.—”
13 after “(c)” the first place it appears; and

14 (4) in subsection (d)—

15 (A) by inserting “MEMBERS OF MARINE
16 CORPS OFFICER CANDIDATE PROGRAM.—”
17 after “(d)”;

18 (B) by striking “the same rate as that pre-
19 scribed by subsection (a),” and inserting “a
20 monthly rate prescribed under subsection (a)”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 subsections (a) and (b) shall take effect October 1, 2001.

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 621. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
4 **PAY AUTHORITIES FOR RESERVE FORCES.**

5 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
6 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
7 302g(f) of title 37, United States Code, is amended by
8 striking “December 31, 2000” and inserting “December
9 31, 2001”.

10 (b) SELECTED RESERVE REENLISTMENT BONUS.—
11 Section 308b(f) of such title is amended by striking “De-
12 cember 31, 2000” and inserting “December 31, 2001”.

13 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
14 tion 308c(e) of such title is amended by striking “Decem-
15 ber 31, 2000” and inserting “December 31, 2001”.

16 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
17 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
18 308d(c) of such title is amended by striking “December
19 31, 2000” and inserting “December 31, 2001”.

20 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
21 tion 308e(e) of such title is amended by striking “Decem-
22 ber 31, 2000” and inserting “December 31, 2001”.

23 (f) READY RESERVE ENLISTMENT AND REENLIST-
24 MENT BONUS.—Section 308h(g) of such title is amended

1 by striking “December 31, 2000” and inserting “Decem-
2 ber 31, 2001”.

3 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section
4 308i(f) of such title is amended by striking “December
5 31, 2000” and inserting “December 31, 2001”.

6 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
7 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
8 LECTED RESERVE.—Section 16302(d) of title 10, United
9 States Code, is amended by striking “January 1, 2001”
10 and inserting “January 1, 2002”.

11 **SEC. 622. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
12 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**
13 **DIDATES, REGISTERED NURSES, AND NURSE**
14 **ANESTHETISTS.**

15 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
16 GRAM.—Section 2130a(a)(1) of title 10, United States
17 Code, is amended by striking “December 31, 2000” and
18 inserting “December 31, 2001”.

19 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
20 Section 302d(a)(1) of title 37, United States Code, is
21 amended by striking “December 31, 2000” and inserting
22 “December 31, 2001”.

23 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
24 THETISTS.—Section 302e(a)(1) of title 37, United States

1 Code, is amended by striking “December 31, 2000” and
2 inserting “December 31, 2001”.

3 **SEC. 623. EXTENSION OF AUTHORITIES RELATING TO PAY-**
4 **MENT OF OTHER BONUSES AND SPECIAL**
5 **PAYS.**

6 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
7 tion 301b(a) of title 37, United States Code, is amended
8 by striking “December 31, 2000,” and inserting “Decem-
9 ber 31, 2001,”.

10 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
11 BERS.—Section 308(g) of such title is amended by strik-
12 ing “December 31, 2000” and inserting “December 31,
13 2001”.

14 (c) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
15 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
16 312(e) of such title is amended by striking “December 31,
17 2000” and inserting “December 31, 2001”.

18 (d) NUCLEAR CAREER ACCESSION BONUS.—Section
19 312b(c) of such title is amended by striking “December
20 31, 2000” and inserting “December 31, 2001”.

21 (e) NUCLEAR CAREER ANNUAL INCENTIVE
22 BONUS.—Section 312c(d) of such title is amended by
23 striking “December 31, 2000” and inserting “December
24 31, 2001”.

1 **SEC. 624. REVISION OF ENLISTMENT BONUS AUTHORITY.**

2 (a) BONUS AUTHORIZED.—(1) Title 37, United
3 States Code, is amended by inserting after section 308i
4 the following new section:

5 **“§ 309. Special pay: enlistment bonus**

6 “(a) BONUS AUTHORIZED; BONUS AMOUNT.—A per-
7 son who enlists in an armed force for a period of at least
8 2 years may be paid a bonus in an amount not to exceed
9 \$20,000. The bonus may be paid in a single lump sum
10 or in periodic installments.

11 “(b) REPAYMENT OF BONUS.—(1) A member of the
12 armed forces who voluntarily, or because of the member’s
13 misconduct, does not complete the term of enlistment for
14 which a bonus was paid under this section, or a member
15 who is not technically qualified in the skill for which the
16 bonus was paid, if any (other than a member who is not
17 qualified because of injury, illness, or other impairment
18 not the result of the member’s misconduct), shall refund
19 to the United States that percentage of the bonus that
20 the unexpired part of member’s enlistment is of the total
21 enlistment period for which the bonus was paid.

22 “(2) An obligation to reimburse the United States
23 imposed under paragraph (1) is for all purposes a debt
24 owed to the United States.

25 “(3) A discharge in bankruptcy under title 11 that
26 is entered less than 5 years after the termination of an

1 enlistment for which a bonus was paid under this section
2 does not discharge the person receiving the bonus from
3 the debt arising under paragraph (1).

4 “(c) RELATION TO PROHIBITION ON BOUNTIES.—
5 The enlistment bonus authorized by this section is not a
6 bounty for purposes of section 514(a) of title 10.

7 “(d) REGULATIONS.—This section shall be adminis-
8 tered under regulations prescribed by the Secretary of De-
9 fense for the armed forces under the jurisdiction of the
10 Secretary of Defense and by the Secretary of Transpor-
11 tation for the Coast Guard when the Coast Guard is not
12 operating as a service in the Navy.

13 “(e) DURATION OF AUTHORITY.—No bonus shall be
14 paid under this section with respect to any enlistment in
15 the armed forces made after December 31, 2001.”.

16 (2) The table of sections at the beginning of chapter
17 5 of such title is amended by inserting after the item relat-
18 ing to section 308i the following new item:

“309. Special pay: enlistment bonus.”.

19 (b) REPEAL OF SUPERSEDED ENLISTMENT BONUS
20 AUTHORITIES.—(1) Sections 308a and 308f of title 37,
21 United States Code, are repealed.

22 (2) The table of sections at the beginning of chapter
23 5 of such title is amended by striking the items relating
24 to such sections.

1 (c) EFFECTIVE DATE.—(1) The amendments made
2 by subsection (a) shall take effect on October 1, 2000,
3 and apply with respect to enlistments in the Armed Forces
4 made on or after that date.

5 (2) The amendments made by subsection (b) shall
6 take effect on October 1, 2000. The repeal of sections
7 308a and 308f of title 37, United States Code, by such
8 subsection shall not affect the validity or terms of any
9 bonus provided under such sections for enlistments in the
10 Armed Forces made before that date.

11 **SEC. 625. CONSISTENCY OF AUTHORITIES FOR SPECIAL**
12 **PAY FOR RESERVE MEDICAL AND DENTAL**
13 **OFFICERS.**

14 (a) CONSISTENT DESCRIPTIONS OF ACTIVE DUTY.—
15 Section 302(h)(1) of title 37, United States Code, is
16 amended by inserting before the period at the end the fol-
17 lowing: “, including active duty in the form of annual
18 training, active duty for training, and active duty for spe-
19 cial work”.

20 (b) RELATION TO OTHER SPECIAL PAY AUTHORI-
21 TIES.—Subsection (d) of section 302f of such title is
22 amended to read as follows:

23 “(d) SPECIAL RULE FOR RESERVE MEDICAL AND
24 DENTAL OFFICERS.—While a reserve medical or dental
25 officer receives a special pay under section 302 or 302b

1 of this title by reason of subsection (a), the officer shall
2 not be entitled to special pay under section 302(h) or
3 302b(h) of this title.”.

4 **SEC. 626. ELIMINATION OF REQUIRED CONGRESSIONAL**
5 **NOTIFICATION BEFORE IMPLEMENTATION**
6 **OF CERTAIN SPECIAL PAY AUTHORITY.**

7 (a) RETENTION SPECIAL PAY FOR OPTOMETRISTS.—

8 (1) Section 302a(b)(1) of title 37, United States Code,
9 is amended by striking “an officer described in paragraph
10 (2) may be paid” and inserting “the Secretary concerned
11 may pay an officer described in paragraph (2) a”.

12 (2) Section 617 of the National Defense Authoriza-
13 tion Act for Fiscal Year 1991 (Public Law 101–510; 10
14 U.S.C. 302a note) is amended by striking subsection (b).

15 (b) SPECIAL PAY FOR OFFICERS IN NURSING SPE-
16 CIALTIES.—(1) Section 302e(b)(2)(A) of title 37, United
17 States Code, is amended by striking “the Secretary” and
18 inserting “the Secretary of the military department con-
19 cerned”.

20 (2) Section 614 of the National Defense Authoriza-
21 tion Act for Fiscal Year 1991 (Public Law 101–510; 10
22 U.S.C. 302e note) is amended by striking subsection (c).

1 **SEC. 627. SPECIAL PAY FOR PHYSICIAN ASSISTANTS OF**
 2 **THE COAST GUARD.**

3 Section 302c(d)(1) of title 37, United States Code,
 4 is amended by inserting after “nurse,” the following: “an
 5 officer of the Coast Guard or Coast Guard Reserve des-
 6 ignated as a physician assistant,”.

7 **SEC. 628. AUTHORIZATION OF SPECIAL PAY AND ACCES-**
 8 **SION BONUS FOR PHARMACY OFFICERS.**

9 (a) AUTHORIZATION OF SPECIAL PAY AND BONUS.—
 10 Chapter 5 of title 37, United States Code, is amended by
 11 inserting after section 302h the following new sections:

12 **“§ 302i. Special pay: pharmacy officers**

13 “(a) ARMY, NAVY, AND AIR FORCE PHARMACY OFFI-
 14 CERS.—Under regulations prescribed pursuant to section
 15 303a of this title, the Secretary of the military department
 16 concerned may, subject to subsection (c), pay special pay
 17 at the rates specified in subsection (d) to an officer who—

18 “(1) is a pharmacy officer in the Medical Serv-
 19 ice Corps of the Army or Navy or the Biomedical
 20 Sciences Corps of the Air Force; and

21 “(2) is on active duty under a call or order to
 22 active duty for a period of not less than one year.

23 “(b) PUBLIC HEALTH SERVICE CORPS.—Subject to
 24 subsection (c), the Secretary of Health and Human Serv-
 25 ices may pay special pay at the rates specified in sub-
 26 section (d) to an officer who—

1 “(1) is an officer in the Regular or Reserve
2 Corps of the Public Health Service and is designated
3 as a pharmacy officer; and

4 “(2) is on active duty under a call or order to
5 active duty for a period of not less than one year.

6 “(c) LIMITATION.—Special pay may not be paid
7 under this section to an officer serving in a pay grade
8 above pay grade O–6.

9 “(d) RATE OF SPECIAL PAY.—The rate of special pay
10 paid to an officer under subsection (a) or (b) is as follows:

11 “(1) \$3,000 per year, if the officer is under-
12 going pharmacy internship training or has less than
13 3 years of creditable service.

14 “(2) \$7,000 per year, if the officer has at least
15 3 but less than 6 years of creditable service and is
16 not undergoing pharmacy internship training.

17 “(3) \$7,000 per year, if the officer has at least
18 6 but less than 8 years of creditable service.

19 “(4) \$12,000 per year, if the officer has at least
20 8 but less than 12 years of creditable service.

21 “(5) \$10,000 per year, if the officer has at least
22 12 but less than 14 years of creditable service.

23 “(6) \$9,000 per year, if the officer has at least
24 14 but less than 18 years of creditable service.

1 “(7) \$8,000 per year, if the officer has 18 or
2 more years of creditable service.

3 **“§ 302j. Special pay: accession bonus for pharmacy of-**
4 **ficers**

5 “(a) ACCESSION BONUS AUTHORIZED.—A person
6 who is a graduate of an accredited pharmacy school and
7 who, during the period beginning on the date of the enact-
8 ment of the Floyd D. Spence National Defense Authoriza-
9 tion Act for Fiscal Year 2001 and ending on September
10 30, 2004, executes a written agreement described in sub-
11 section (c) to accept a commission as an officer of a uni-
12 formed service and remain on active duty for a period of
13 not less than 4 years may, upon acceptance of the agree-
14 ment by the Secretary concerned, be paid an accession
15 bonus in an amount determined by the Secretary con-
16 cerned.

17 “(b) LIMITATION ON AMOUNT OF BONUS.—The
18 amount of an accession bonus under subsection (a) may
19 not exceed \$30,000.

20 “(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A
21 person may not be paid a bonus under subsection (a) if—

22 “(1) the person, in exchange for an agreement
23 to accept an appointment as a warrant or commis-
24 sioned officer, received financial assistance from the
25 Department of Defense or the Department of Health

1 and Human Services to pursue a course of study in
2 pharmacy; or

3 “(2) the Secretary concerned determines that
4 the person is not qualified to become and remain li-
5 censed as a pharmacist.

6 “(d) AGREEMENT.—The agreement referred to in
7 subsection (a) shall provide that, consistent with the needs
8 of the uniformed service concerned, the person executing
9 the agreement shall be assigned to duty, for the period
10 of obligated service covered by the agreement, as a phar-
11 macy officer in the Medical Service Corps of the Army
12 or Navy, a biomedical sciences officer in the Air Force
13 designated as a pharmacy officer, or a pharmacy officer
14 of the Public Health Service.

15 “(e) REPAYMENT.—(1) An officer who receives a pay-
16 ment under subsection (a) and who fails to become and
17 remain licensed as a pharmacist during the period for
18 which the payment is made shall refund to the United
19 States an amount equal to the full amount of such pay-
20 ment.

21 “(2) An officer who voluntarily terminates service on
22 active duty before the end of the period agreed to be
23 served under subsection (a) shall refund to the United
24 States an amount that bears the same ratio to the amount

1 paid to the officer as the unserved part of such period
2 bears to the total period agreed to be served.

3 “(3) An obligation to reimburse the United States
4 under paragraph (1) or (2) is for all purposes a debt owed
5 to the United States.

6 “(4) A discharge in bankruptcy under title 11 that
7 is entered less than 5 years after the termination of an
8 agreement under this section does not discharge the per-
9 son signing such agreement from a debt arising under
10 such agreement or this subsection. This paragraph applies
11 to any case commenced under title 11 after the date of
12 the enactment of the Floyd D. Spence National Defense
13 Authorization Act for Fiscal Year 2001.”.

14 (b) ADMINISTRATION.—Section 303a of title 37,
15 United States Code, is amended by striking “302h” each
16 place it appears and inserting “302j”.

17 (c) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 5 of such title is amended by
19 inserting after the item relating to section 302h the fol-
20 lowing new items:

“302i. Special pay: pharmacy officers.

“302j. Special pay: accession bonus for pharmacy officers.”.

21 **SEC. 629. CORRECTION OF REFERENCES TO AIR FORCE**
22 **VETERINARIANS.**

23 Section 303(a) of title 37, United States Code, is
24 amended—

1 (1) in paragraph (1)(B), by striking “who is
2 designated as a veterinary officer” and inserting
3 “who is an officer in the Biomedical Sciences Corps
4 and holds a degree in veterinary medicine”; and

5 (2) in paragraph (2), by striking subparagraph
6 (B) and inserting the following:

7 “(B) of a reserve component of the Air
8 Force, of the Army or the Air Force without
9 specification of component, or of the National
10 Guard, who—

11 “(i) is designated as a veterinary offi-
12 cer; or

13 “(ii) is an officer in the Biomedical
14 Sciences Corps of the Air Force and holds
15 a degree in veterinary medicine; or”.

16 **SEC. 630. CAREER SEA PAY.**

17 (a) REFORM OF AUTHORITIES.—Section 305a of title
18 37, United States Code, is amended—

19 (1) in subsection (a), by striking “(a) Under
20 regulations prescribed by the President, a member”
21 and inserting “(a) AVAILABILITY OF SPECIAL
22 PAY.—A member”;

23 (2) by redesignating subsection (d) as sub-
24 section (e); and

1 (3) by striking subsections (b) and (c) and in-
2 serting the following new subsections:

3 “(b) RATES; MAXIMUM.—The Secretary concerned
4 shall prescribe the monthly rates for special pay applicable
5 to members of each armed force under the Secretary’s ju-
6 risdiction. No monthly rate may exceed \$750.

7 “(c) PREMIUM.—A member of a uniformed service
8 entitled to career sea pay under this section who has
9 served 36 consecutive months of sea duty is also entitled
10 to a career sea pay premium for the thirty-seventh con-
11 secutive month and each subsequent consecutive month of
12 sea duty served by such member. The monthly amount of
13 the premium shall be prescribed by the Secretary con-
14 cerned, but may not exceed \$350.

15 “(d) REGULATIONS.—The Secretary concerned shall
16 prescribe regulations for the administration of this section
17 for the armed force or armed forces under the jurisdiction
18 of the Secretary. The entitlements under this section shall
19 be subject to the regulations.”.

20 (b) STYLISTIC AMENDMENT.—Subsection (e) of such
21 section, as redesignated by subsection (a)(2), is amended
22 by inserting before “(1)” in paragraph (1) the following:
23 “DEFINITION OF SEA DUTY.—”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on October 1, 2000, and shall

1 apply with respect to months beginning on or after that
2 date.

3 **SEC. 631. INCREASED MAXIMUM RATE OF SPECIAL DUTY**
4 **ASSIGNMENT PAY.**

5 Section 307(a) of title 37, United States Code, is
6 amended—

7 (1) by striking “\$275” and inserting “\$600”;

8 and

9 (2) by striking the second sentence.

10 **SEC. 632. ENTITLEMENT OF MEMBERS OF THE NATIONAL**
11 **GUARD AND OTHER RESERVES NOT ON AC-**
12 **TIVE DUTY TO RECEIVE SPECIAL DUTY AS-**
13 **SIGNMENT PAY.**

14 (a) **AUTHORITY.**—Section 307 of title 37, United
15 States Code, is amended by adding at the end the fol-
16 lowing new subsection:

17 “(d)(1) Under regulations prescribed by the Sec-
18 retary concerned and to the extent provided for by appro-
19 priations, when an enlisted member of the National Guard
20 or a reserve component of a uniformed service who is enti-
21 tled to compensation under section 206 of this title per-
22 forms duty for which a member described in subsection
23 (a) is entitled to special pay under such subsection, the
24 member of the National Guard or reserve component is
25 entitled to an increase in compensation equal to $\frac{1}{30}$ of

1 the monthly special duty assignment pay prescribed by the
 2 Secretary concerned for the performance of that same
 3 duty by members described in subsection (a).

4 “(2) A member of the National Guard or a reserve
 5 component entitled to an increase in compensation under
 6 paragraph (1) is entitled to the increase—

7 “(A) for each regular period of instruction, or
 8 period of appropriate duty, at which the member is
 9 engaged for at least two hours, including that per-
 10 formed on a Sunday or holiday; or

11 “(B) for the performance of such other equiva-
 12 lent training, instruction, duty, or appropriate du-
 13 ties, as the Secretary may prescribe under section
 14 206(a) of this title.

15 “(3) This subsection does not apply to a member of
 16 the National Guard or a reserve component who is entitled
 17 to basic pay under section 204 of this title.”.

18 (b) EFFECTIVE DATE.—The amendment made by
 19 subsection (a) shall take effect October 1, 2000.

20 **SEC. 633. AUTHORIZATION OF RETENTION BONUS FOR**
 21 **MEMBERS OF THE ARMED FORCES QUALI-**
 22 **FIED IN A CRITICAL MILITARY SKILL.**

23 (a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37,
 24 United States Code, is amended by adding at the end the
 25 following new section:

1 **“§ 323. Special pay: retention incentives for members**
2 **qualified in a critical military skill**

3 “(a) RETENTION BONUS AUTHORIZED.—An officer
4 or enlisted member of the armed forces who is serving on
5 active duty and is qualified in a designated critical military
6 skill may be paid a retention bonus as provided in this
7 section if—

8 “(1) in the case of an officer, the member exe-
9 cutes a written agreement to remain on active duty
10 for at least 1 year; or

11 “(2) in the case of an enlisted member, the
12 member reenlists or voluntarily extends the mem-
13 ber’s enlistment for a period of at least 1 year.

14 “(b) DESIGNATION OF CRITICAL SKILLS.—(1) A des-
15 ignated critical military skill referred to in subsection (a)
16 is a military skill designated as critical by the Secretary
17 of Defense, or by the Secretary of Transportation with re-
18 spect to the Coast Guard when it is not operating as a
19 service in the Navy.

20 “(2) The Secretary of Defense, and the Secretary of
21 Transportation with respect to the Coast Guard when it
22 is not operating as a service in the Navy, shall notify Con-
23 gress, in advance, of each military skill to be designated
24 by the Secretary as critical for purposes of this section.
25 The notice shall be submitted at least 90 days before any
26 bonus with regard to that critical skill is offered under

1 subsection (a) and shall include a discussion of the neces-
2 sity for the bonus, the amount and method of payment
3 of the bonus, and the retention results that the bonus is
4 expected to achieve.

5 “(c) PAYMENT METHODS.—A bonus under this sec-
6 tion may be paid in a single lump sum or in periodic in-
7 stallments.

8 “(d) MAXIMUM BONUS AMOUNT.—A member may
9 enter into an agreement under this section, or reenlist or
10 voluntarily extend the member’s enlistment, more than
11 once to receive a bonus under this section. However, a
12 member may not receive a total of more than \$200,000
13 in payments under this section.

14 “(e) CERTAIN MEMBERS INELIGIBLE.—A retention
15 bonus may not be provided under subsection (a) to a mem-
16 ber of the armed forces who—

17 “(1) has completed more than 25 years of ac-
18 tive duty; or

19 “(2) will complete the member’s twenty-fifth
20 year of active duty before the end of the period of
21 active duty for which the bonus is being offered.

22 “(f) RELATIONSHIP TO OTHER INCENTIVES.—A re-
23 tention bonus paid under this section is in addition to any
24 other pay and allowances to which a member is entitled.

1 “(g) REPAYMENT OF BONUS.—(1) If an officer who
2 has entered into a written agreement under subsection (a)
3 fails to complete the total period of active duty specified
4 in the agreement, or an enlisted member who voluntarily
5 or because of misconduct does not complete the term of
6 enlistment for which a bonus was paid under this section,
7 the Secretary of Defense, and the Secretary of Transpor-
8 tation with respect to members of the Coast Guard when
9 it is not operating as a service in the Navy, may require
10 the member to repay the United States, on a pro rata
11 basis and to the extent that the Secretary determines con-
12 ditions and circumstances warrant, all sums paid under
13 this section.

14 “(2) An obligation to repay the United States im-
15 posed under paragraph (1) is for all purposes a debt owed
16 to the United States.

17 “(3) A discharge in bankruptcy under title 11 that
18 is entered less than 5 years after the termination of a writ-
19 ten agreement entered into under subsection (a) does not
20 discharge the member from a debt arising under para-
21 graph (2).

22 “(h) ANNUAL REPORT.—Not later than February 15
23 of each year, the Secretary of Defense and the Secretary
24 of Transportation shall submit to Congress a report—

1 “(1) analyzing the effect, during the preceding
2 fiscal year, of the provision of bonuses under this
3 section on the retention of members qualified in the
4 critical military skills for which the bonuses were of-
5 fered; and

6 “(2) describing the intentions of the Secretary
7 regarding the continued use of the bonus authority
8 during the current and next fiscal years.

9 “(i) TERMINATION OF BONUS AUTHORITY.—No
10 bonus may be paid under this section with respect to any
11 reenlistment, or voluntary extension of an enlistment, in
12 the armed forces entered into after December 31, 2001,
13 and no agreement under this section may be entered into
14 after that date.”.

15 (2) The table of sections at the beginning of such
16 chapter is amended by adding at the end the following
17 new item:

 “323. Special pay: retention incentives for members qualified in a critical mili-
 tary skill.”.

18 (b) EFFECTIVE DATE.—Section 323 of title 10,
19 United States Code, as added by subsection (a), shall take
20 effect on October 1, 2000.

1 **SEC. 634. ENTITLEMENT OF ACTIVE DUTY OFFICERS OF**
2 **THE PUBLIC HEALTH SERVICE CORPS TO**
3 **SPECIAL PAYS AND BONUSES OF HEALTH**
4 **PROFESSIONAL OFFICERS OF THE ARMED**
5 **FORCES.**

6 (a) IN GENERAL.—Section 303a of title 37, United
7 States Code, is amended—

8 (1) by redesignating subsections (b) and (c) as
9 subsections (c) and (d); and

10 (2) by inserting after subsection (a) the fol-
11 lowing new subsection (b):

12 “(b)(1) Except as provided in paragraph (2) or as
13 otherwise provided under a provision of this chapter, a
14 commissioned officer in the Regular or Reserve Corps of
15 the Public Health Service is entitled to special pay under
16 a provision of this chapter in the same amounts, and
17 under the same terms and conditions, as a commissioned
18 officer of the armed forces is entitled to special pay under
19 that provision.

20 “(2) A commissioned medical officer in the Regular
21 or Reserve Corps of the Public Health Service (other than
22 an officer serving in the Indian Health Service) may not
23 receive additional special pay under section 302(a)(4) of
24 this title for any period during which the officer is pro-
25 viding obligated service under the following provisions of
26 law:

1 “(A) Section 338B of the Public Health Service
2 Act (42 U.S.C. 254l–1).

3 “(B) Section 225(e) of the Public Health Serv-
4 ice Act, as that section was in effect before 1, 1977.

5 “(C) Section 752 of the Public Health Service
6 Act, as that section was in effect between October
7 1, 1977, and August 13, 1981.”.

8 (b) REPEAL OF SUPERSEDED PROVISIONS.—Section
9 208(a) of the Public Health Service Act (42 U.S.C.
10 210(a)) is amended—

11 (1) by striking paragraphs (2) and (3); and

12 (2) by inserting after paragraph (1) the fol-
13 lowing new paragraph (2):

14 “(2) For provisions relating to the receipt of special
15 pay by commissioned officers of the Regular and Reserve
16 Corps while on active duty, see section 303a(b) of title
17 37, United States Code.”.

18 **Subtitle C—Travel and** 19 **Transportation Allowances**

20 **SEC. 641. ADVANCE PAYMENTS FOR TEMPORARY LODGING** 21 **OF MEMBERS AND DEPENDENTS.**

22 (a) SUBSISTENCE EXPENSES.— Section 404a of title
23 37, United States Code, is amended—

24 (1) by redesignating subsections (b) and (c) as
25 subsections (d) and (e), respectively; and

1 (2) by striking subsection (a) and inserting the
2 following:

3 “(a) PAYMENT OR REIMBURSEMENT OF SUBSIST-
4 ENCE EXPENSES.—(1) Under regulations prescribed by
5 the Secretaries concerned, a member of a uniformed serv-
6 ice who is ordered to make a change of permanent station
7 described in paragraph (2) shall be paid or reimbursed for
8 subsistence expenses of the member and the member’s de-
9 pendants for the period (subject to subsection (c)) for
10 which the member and dependents occupy temporary
11 quarters incident to that change of permanent station.

12 “(2) Paragraph (1) applies to the following:

13 “(A) A permanent change of station from any
14 duty station to a duty station in the United States
15 (other than Hawaii or Alaska).

16 “(B) A permanent change of station from a
17 duty station in the United States (other than Hawaii
18 or Alaska) to a duty station outside the United
19 States or in Hawaii or Alaska.

20 “(C) In the case of an enlisted member who is
21 reporting to the member’s first permanent duty sta-
22 tion, the change from the member’s home of record
23 or initial technical school to that first permanent
24 duty station.

1 “(b) PAYMENT IN ADVANCE.—The Secretary con-
2 cerned may make any payment for subsistence expenses
3 to a member under this section in advance of the member
4 actually incurring the expenses. The amount of an advance
5 payment made to a member shall be computed on the basis
6 of the Secretary’s determination of the average number
7 of days that members and their dependents occupy tem-
8 porary quarters under the circumstances applicable to the
9 member and the member’s dependents.

10 “(c) MAXIMUM PAYMENT PERIOD.—(1) In the case
11 of a change of permanent station described in subpara-
12 graph (A) or (C) of subsection (a)(2), the period for which
13 subsistence expenses are to be paid or reimbursed under
14 this section may not exceed 10 days.

15 “(2) In the case of a change of permanent station
16 described in subsection (a)(2)(B)—

17 “(A) the period for which such expenses are to
18 be paid or reimbursed under this section may not ex-
19 ceed five days; and

20 “(B) such payment or reimbursement may be
21 provided only for expenses incurred before leaving
22 the United States (other than Hawaii or Alaska).”.

23 (b) PER DIEM.—Section 405 of such title is amended
24 to read as follows:

1 **“§ 405. Travel and transportation allowances: per**
2 **diem while on duty outside the United**
3 **States or in Hawaii or Alaska**

4 “(a) PER DIEM AUTHORIZED.—Without regard to
5 the monetary limitation of this title, the Secretary con-
6 cerned may pay a per diem to a member of the uniformed
7 services who is on duty outside of the United States or
8 in Hawaii or Alaska, whether or not the member is in a
9 travel status. The Secretary may pay the per diem in ad-
10 vance of the accrual of the per diem.

11 “(b) DETERMINATION OF PER DIEM.—In deter-
12 mining the per diem to be paid under this section, the
13 Secretary concerned shall consider all elements of the cost
14 of living to members of the uniformed services under the
15 Secretary’s jurisdiction and their dependents, including
16 the cost of quarters, subsistence, and other necessary inci-
17 dental expenses. However, dependents may not be consid-
18 ered in determining the per diem allowance for a member
19 in a travel status.

20 “(c) TREATMENT OF HOUSING COST AND ALLOW-
21 ANCE.—Housing cost and allowance may be disregarded
22 in prescribing a station cost of living allowance under this
23 section.”.

24 (c) STYLISTIC AMENDMENTS.—Section 404a of such
25 title is further amended—

1 (1) in subsection (d), as redesignated by sub-
2 section (a), by striking “(d)” and inserting “(d)
3 DAILY SUBSISTENCE RATES.—”; and

4 (2) in subsection (e), as redesignated by sub-
5 section (a), by striking “(e)” and inserting “(e)
6 MAXIMUM DAILY PAYMENT.—”.

7 **SEC. 642. ADDITIONAL TRANSPORTATION ALLOWANCE RE-**
8 **GARDING BAGGAGE AND HOUSEHOLD EF-**
9 **FECTS.**

10 (a) PET QUARANTINE FEES.—Section 406(a)(1) of
11 title 37, United States Code, is amended by adding at the
12 end the following new sentence: “The Secretary concerned
13 may also reimburse the member for mandatory pet quar-
14 antine fees for household pets, but not to exceed \$275 per
15 change of station, when the member incurs the fees inci-
16 dent to such change of station.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall take effect October 1, 2000.

19 **SEC. 643. INCENTIVE FOR SHIPPING AND STORING HOUSE-**
20 **HOLD GOODS IN LESS THAN AVERAGE**
21 **WEIGHTS.**

22 Section 406(b)(1) of title 37, United States Code, is
23 amended by adding at the end the following new subpara-
24 graph:

1 “(G) Under regulations prescribed by the Secretary
2 of Defense, the Secretary concerned may pay a member
3 a share (determined pursuant to such regulations) of the
4 savings resulting to the United States when the total
5 weights of the member’s baggage and household effects
6 shipped and stored under subparagraph (A) are less than
7 the average weights of the baggage and household effects
8 that are shipped and stored, respectively, by other mem-
9 bers in the same grade and with the same dependents sta-
10 tus as the member in connection with changes of station
11 that are comparable to the member’s change of station.
12 The total savings shall be equal to the difference between
13 the cost of shipping and cost of storing such average
14 weights of baggage and household effects, respectively,
15 and the corresponding costs associated with the weights
16 of the member’s baggage and household effects. For the
17 administration of this subparagraph, the Secretary of De-
18 fense shall annually determine the average weights of bag-
19 gage and household effects shipped and stored in connec-
20 tion with a change of temporary or permanent station.”.

21 **SEC. 644. EQUITABLE DISLOCATION ALLOWANCES FOR**
22 **JUNIOR ENLISTED MEMBERS.**

23 Section 407(c)(1) of title 37, United States Code, is
24 amended by inserting before the period at the end the fol-
25 lowing: “, except that the Secretary concerned may not

1 differentiate between members with dependents in pay
2 grades E–1 through E–5”.

3 **SEC. 645. AUTHORITY TO REIMBURSE MILITARY RECRUIT-**
4 **ERS, SENIOR ROTC CADRE, AND MILITARY**
5 **ENTRANCE PROCESSING PERSONNEL FOR**
6 **CERTAIN PARKING EXPENSES.**

7 (a) REIMBURSEMENT AUTHORITY.—Chapter 7 of
8 title 37, United States Code, is amended by inserting after
9 section 411h the following new section:

10 **“§ 411i. Travel and transportation allowances: park-**
11 **ing expenses**

12 “(a) REIMBURSEMENT AUTHORITY.—Under regula-
13 tions prescribed by the Secretary of Defense, the Secretary
14 of a military department may reimburse eligible Depart-
15 ment of Defense personnel for expenses incurred after Oc-
16 tober 1, 2001, for parking a privately owned vehicle at
17 a place of duty described in subsection (b).

18 “(b) ELIGIBILITY.—A member of the Army, Navy,
19 Air Force, or Marine Corps or an employee of the Depart-
20 ment of Defense may be reimbursed under subsection (a)
21 for parking expenses while—

22 “(1) assigned to duty as a recruiter for any of
23 the armed forces;

24 “(2) assigned to duty at a military entrance
25 processing facility of the armed forces; or

1 “(3) detailed for instructional and administra-
 2 tive duties at any institution where a unit of the
 3 Senior Reserve Officers’ Training Corps is main-
 4 tained.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of such chapter is amended by inserting
 7 after the item relating to section 411h the following new
 8 item:

 “411i. Travel and transportation allowances: parking expenses.”.

9 **SEC. 646. EXPANSION OF FUNDED STUDENT TRAVEL FOR**
 10 **DEPENDENTS.**

11 Section 430 of title 37, United States Code, is
 12 amended—

13 (1) in subsections (a)(3) and (b)(1), by striking
 14 “for the purpose of obtaining a secondary or under-
 15 graduate college education” and inserting “for the
 16 purpose of obtaining a formal education”; and

17 (2) in subsection (f)—

18 (A) by striking “In this section, the term”
 19 and inserting the following:

20 “In this section:

21 “(1) The term”; and

22 (B) by adding at the end the following new
 23 subparagraph:

24 “(2) The term ‘formal education’ means the fol-
 25 lowing:

1 “(A) A secondary education.

2 “(B) An undergraduate college education.

3 “(C) A graduate education pursued on a
4 full-time basis at an institution of higher edu-
5 cation (as defined in section 101 of the Higher
6 Education Act of 1965 (20 U.S.C. 1001)).

7 “(D) Vocational education pursued on a
8 full-time basis at a post-secondary vocational
9 institution (as defined in section 102(c) of the
10 Higher Education Act of 1965 (20 U.S.C.
11 1002(c))).”.

12 **Subtitle D—Retirement and** 13 **Survivor Benefit Matters**

14 **SEC. 651. EXCEPTION TO HIGH-36 MONTH RETIRED PAY** 15 **COMPUTATION FOR MEMBERS RETIRED FOL-** 16 **LOWING A DISCIPLINARY REDUCTION IN** 17 **GRADE.**

18 Section 1407 of title 10, United States Code, is
19 amended—

20 (1) in subsection (b), by striking “The retired
21 pay base” and inserting “Except as provided in sub-
22 section (f), the retired pay base”; and

23 (2) by adding at the end the following new sub-
24 section:

1 “(f) EXCEPTION FOR ENLISTED MEMBERS REDUCED
2 IN GRADE AND OFFICERS WHO DO NOT SERVE SATIS-
3 FACTORILY IN HIGHEST GRADE HELD.—

4 “(1) COMPUTATION BASED ON PRE-HIGH-
5 THREE RULES.—In the case of a member or former
6 member described in paragraph (2), the retired pay
7 base or retainer pay base is determined under sec-
8 tion 1406 of this title in the same manner as if the
9 member or former member first became a member
10 of a uniformed service before September 8, 1980.

11 “(2) AFFECTED MEMBERS.—A member or
12 former member referred to in paragraph (1) is a
13 member or former member who by reason of conduct
14 occurring after the date of the enactment of this
15 subsection—

16 “(A) in the case of a member retired in an
17 enlisted grade or transferred to the Fleet Re-
18 serve or Fleet Marine Corps Reserve, was at
19 any time reduced in grade as the result of a
20 court-martial sentence, nonjudicial punishment,
21 or an administrative action, unless the member
22 was subsequently promoted to a higher enlisted
23 grade or appointed to a commissioned or war-
24 rant grade; and

1 “(B) in the case of an officer, is retired in
2 a grade lower than the highest grade in which
3 served by reason of denial of a determination or
4 certification under section 1370 of this title
5 that the officer served on active duty satisfac-
6 torily in that grade.

7 “(3) SPECIAL RULE FOR ENLISTED MEM-
8 BERS.—In the case of a member who retires within
9 three years after having been reduced in grade as
10 described in paragraph (2)(A), who retires in an en-
11 listed grade that is lower than the grade from which
12 reduced, and who would be subject to paragraph (1)
13 but for a subsequent promotion to a higher enlisted
14 grade or a subsequent appointment to a warrant or
15 commissioned grade, the rates of basic pay used in
16 the computation of the member’s high-36 average
17 for the period of the member’s service in a grade
18 higher than the grade in which retired shall be the
19 rates of pay that would apply if the member had
20 been serving for that period in the grade in which
21 retired.”.

1 **SEC. 652. INCREASE IN MAXIMUM NUMBER OF RESERVE**
2 **RETIREMENT POINTS THAT MAY BE CRED-**
3 **ITED IN ANY YEAR.**

4 Section 12733(3) of title 10, United States Code, is
5 amended by striking “but not more than” and all that
6 follows and inserting “but not more than—

7 “(A) 60 days in any one year of service be-
8 fore the year of service that includes September
9 23, 1996;

10 “(B) 75 days in the year of service that in-
11 cludes September 23, 1996, and in any subse-
12 quent year of service before the year of service
13 that includes the date of the enactment of the
14 Floyd D. Spence National Defense Authoriza-
15 tion Act for Fiscal Year 2001; and

16 “(C) 90 days in the year of service that in-
17 cludes the date of the enactment of the Floyd
18 D. Spence National Defense Authorization Act
19 for Fiscal Year 2001 and in any subsequent
20 year of service.”.

21 **SEC. 653. RETIREMENT FROM ACTIVE RESERVE SERVICE**
22 **AFTER REGULAR RETIREMENT.**

23 (a) **CONVERSION TO RESERVE RETIREMENT.**—(1)
24 Chapter 1223 of title 10, United States Code, is amended
25 by adding at the end the following new section:

1 **“§ 12741. Retirement from active reserve service per-**
2 **formed after regular retirement**

3 “(a) ELECTION OF RESERVE RETIRED PAY.—A per-
4 son who, after becoming entitled to retired or retainer pay
5 under chapter 65, 367, 571, or 867 of this title, serves
6 in an active status in a reserve component is entitled to
7 retired pay under this chapter if—

8 “(1) the person would, but for paragraphs (3)
9 and (4) of section 12731(a) of this title, otherwise
10 be entitled to retired pay under this chapter;

11 “(2) the person elects under this section to re-
12 ceived retired pay under this chapter; and

13 “(3) the person’s service in an active status
14 after having become entitled to retired or retainer
15 pay under that chapter is determined by the Sec-
16 retary concerned to have been satisfactory.

17 “(b) ACTIONS TO EFFECTUATE ELECTION.—As of
18 the effective date of an election made by a person under
19 subsection (a), the Secretary concerned shall—

20 “(1) terminate the person’s entitlement to re-
21 tired or retainer pay under the applicable chapter of
22 this title referred to in subsection (a); and

23 “(2) in the case of a reserve commissioned offi-
24 cer, transfer the officer to the Retired Reserve.

1 “(c) TIME AND FORM OF ELECTION.—An election
2 under subsection (b) shall be made within such time and
3 in such form as the Secretary concerned requires.

4 “(d) EFFECTIVE DATE OF ELECTION.—An election
5 made by a person under subsection (b) shall be effective—

6 “(1) except as provided in paragraph (2)(B), as
7 of the date on which the person attains 60 years of
8 age, if the Secretary concerned receives the election
9 in accordance with this section within 180 days after
10 that date; or

11 “(2) on the first day of the first month that be-
12 gins after the date on which the Secretary concerned
13 receives the election in accordance with this section,
14 if—

15 “(A) the date of the receipt of the election
16 is more than 180 days after the date on which
17 the person attains 60 years of age; or

18 “(B) the person retires from service in an
19 active status within that 180-day period.”.

20 (2) The table of sections at the beginning of such
21 chapter is amended by adding at the end the following
22 new item:

“12741. Retirement from active service performed after regular retirement.”.

23 (b) EFFECTIVE DATE.—Section 12741 of title 10,
24 United States Code, as added by subsection (a), shall take
25 effect 180 days after the date of the enactment of this

1 Act and shall apply with respect to retired pay payable
2 for months beginning on or after that effective date.

3 **SEC. 654. SAME TREATMENT FOR FEDERAL JUDGES AS FOR**
4 **OTHER FEDERAL OFFICIALS REGARDING**
5 **PAYMENT OF MILITARY RETIRED PAY.**

6 (a) ARTICLE III JUDGES.—(1) Section 371 of title
7 28, United States Code, is amended—

8 (A) by striking subsection (e); and

9 (B) by redesignating subsection (f) as sub-
10 section (e).

11 (2) Subsection (b) of such section is amended by
12 striking “subsection (f)” each place it appears and insert-
13 ing “subsection (e)”.

14 (b) JUDGES OF UNITED STATES COURT OF FED-
15 ERAL CLAIMS.—(1) Section 180 of title 28, United States
16 Code, is repealed.

17 (2) The table of sections at the beginning of chapter
18 7 of such title is amended by striking the item relating
19 to section 180.

20 (c) RETROACTIVE EFFECTIVE DATE.—The amend-
21 ments made by this section shall take effect as of October
22 1, 1999.

1 **SEC. 655. RESERVE COMPONENT SURVIVOR BENEFIT PLAN**
2 **SPOUSAL CONSENT REQUIREMENT.**

3 (a) **ELIGIBLE PARTICIPANTS.**—Subsection (a)(2)(B)
4 of section 1448 of title 10, United States Code, is amend-
5 ed to read as follows:

6 “(B) **RESERVE-COMPONENT ANNUITY PAR-**
7 **TICIPANTS.**—A person who (i) is eligible to par-
8 ticipate in the Plan under paragraph (1)(B),
9 and (ii) is married or has a dependent child
10 when he is notified under section 12731(d) of
11 this title that he has completed the years of
12 service required for eligibility for reserve-compo-
13 nent retired pay, unless the person elects (with
14 his spouse’s concurrence, if required under
15 paragraph (3)) not to participate in the Plan
16 before the end of the 90-day period beginning
17 on the date on which he receives that notifica-
18 tion.”.

19 (b) **SUBSEQUENT ELECTION TO PARTICIPATE.**—
20 Subsection (a)(3)(B) of such section is amended—

21 (1) by striking “who elects to provide” and in-
22 serting “who is eligible to provide”;

23 (2) by redesignating clauses (i) and (ii) as
24 clauses (iii) and (iv), respectively; and

25 (3) by inserting before clause (iii) (as so redес-
26 igned) the following new clauses:

1 “(i) not to participate in the Plan;

2 “(ii) to designate under subsection
3 (e)(2) the effective date for commencement
4 of annuity payments under the Plan in the
5 event that the member dies before becom-
6 ing 60 years of age to be the 60th anniver-
7 sary of the member’s birth (rather than
8 the day after the date of the member’s
9 death);”.

10 (c) CONFORMING AMENDMENTS.—Subchapter II of
11 chapter 73 of such title is further amended—

12 (1) in section 1448(a)(2), by striking “de-
13 scribed in clauses (i) and (ii)” in the sentence fol-
14 lowing subparagraph (B) (as amended by subsection
15 (a)) and all that follows through “that clause” and
16 inserting “who elects under subparagraph (B) not to
17 participate in the Plan”;

18 (2) in section 1448(a)(4)—

19 (A) by striking “not to participate in the
20 Plan” in subparagraph (A); and

21 (B) by striking “to participate in the
22 Plan” in subparagraph (B);

23 (3) in section 1448(e), by striking “a person
24 electing to participate” and all that follows through
25 “making such election” and inserting “a person is

1 required to make a designation under this sub-
2 section, the person”; and

3 (4) in section 1450(j)(1), by striking “An annu-
4 ity” and all that follows through the period and in-
5 serting “A reserve-component annuity shall be effec-
6 tive in accordance with the designation made under
7 section 1448(e) of this title by the person providing
8 the annuity.”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section apply only with respect to a notification under
11 section 12731(d) of title 10, United States Code, made
12 after January 1, 2001, that a member of a reserve compo-
13 nent has completed the years of service required for eligi-
14 bility for reserve-component retired pay.

15 **SEC. 656. SENSE OF CONGRESS ON INCREASING SURVIVOR**
16 **BENEFIT PLAN ANNUITIES FOR SURVIVING**
17 **SPOUSES AGE 62 OR OLDER.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that, subject to the requirements and limitations of
20 congressional budget procedures relating to the enactment
21 of new (or increased) entitlement authority, there should
22 be enacted legislation that increases the annuities provided
23 under the Survivor Benefit Plan program for surviving
24 spouses who are 62 years of age or older in order to reduce
25 (and eventually eliminate) the different levels of annuities

1 under that program for surviving spouses who are under
2 age 62 and those who are 62 years of age and older.

3 (b) SURVIVOR BENEFIT PLAN.—For purposes of this
4 section, the term “Survivor Benefit Plan program” means
5 the program of annuities for survivors of members of the
6 uniformed services provided under subchapter II of chap-
7 ter 73 of title 10, United States Code.

8 **SEC. 657. REVISION TO SPECIAL COMPENSATION AUTHOR-**
9 **ITY TO REPEAL EXCLUSION OF UNIFORMED**
10 **SERVICES RETIREES IN RECEIPT OF DIS-**
11 **ABILITY RETIRED PAY.**

12 (a) ELIGIBILITY FOR CHAPTER 61 RETIREES.—Sec-
13 tion 1413(c) of title 10, United States Code, is amended
14 by striking “(other than a member who is retired under
15 chapter 61 of this title)”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect on October 1, 2001, and
18 shall apply to months that begin on or after that date.
19 No benefit may be paid under section 1413 of title 10,
20 United States Code, to any person by reason of the
21 amendment made by subsection (a) for any period before
22 that date.

1 **Subtitle E—Other Matters**

2 **SEC. 661. PARTICIPATION IN THRIFT SAVINGS PLAN.**

3 (a) EFFECTIVE DATE OF AUTHORITY TO PARTICI-
 4 PATE.—Section 663 of the National Defense Authoriza-
 5 tion Act for Fiscal Year 2000 (Public Law 106–65; 113
 6 Stat. 673; 5 U.S.C. 8440 note) is amended to read as fol-
 7 lows:

8 **“SEC. 663. EFFECTIVE DATE.**

9 “(a) IN GENERAL.—Except as provided in subsection
 10 (b), the amendments made by this subtitle shall take effect
 11 180 days after the date of the enactment of the Floyd
 12 D. Spence National Defense Authorization Act for Fiscal
 13 Year 2001.

14 “(b) POSTPONEMENT AUTHORITY.—(1) The Sec-
 15 retary of Defense may postpone by up to 180 days after
 16 the date that would otherwise apply under subsection
 17 (a)—

18 “(A) the date as of which the amendments
 19 made by this subtitle shall take effect; or

20 “(B) the date as of which section 211(a)(2) of
 21 title 37, United States Code (as added by this sub-
 22 title) shall take effect.

23 “(2) Postponement authority under this subsection
 24 may be exercised only to the extent that the failure to do
 25 so would prevent the Federal Retirement Thrift Invest-

1 ment Board from being able to provide timely and accu-
 2 rate services to investors or would place an excessive bur-
 3 den on the administrative capacity of the Board to accom-
 4 modate participants in the Thrift Savings Plan, as deter-
 5 mined by the Secretary of Defense after consultation with
 6 the Executive Director (appointed by the Board).

7 “(3) Paragraph (1) includes the authority to post-
 8 pone the effective date of the amendments made by this
 9 subtitle (apart from section 211(a)(2) of title 37, United
 10 States Code), and the effective date of such section
 11 211(a)(2), by different lengths of time.

12 “(4) The Secretary shall notify the congressional de-
 13 fense committees, the Committee on Government Reform
 14 of the House of Representatives, and the Committee on
 15 Governmental Affairs of the Senate of any determination
 16 made under this subsection.”.

17 (b) REGULATIONS.—Section 661(b) of such Act (113
 18 Stat. 672; 5 U.S.C. 8440e note) is amended by striking
 19 “the date on which” and all that follows through “later,”
 20 and inserting “the 180th day after the date of the enact-
 21 ment of the Floyd D. Spence National Defense Authoriza-
 22 tion Act for Fiscal Year 2001,”.

23 (c) CONFORMING AMENDMENT.—Section
 24 8440e(b)(2)(B)(i) of title 5, United States Code, is
 25 amended by striking “as of” and all that follows through

1 “thereof)” and inserting “as of the effective date that ap-
 2 plies with respect to such individual under section 663 of
 3 the National Defense Authorization Act for Fiscal Year
 4 2000”.

5 **SEC. 662. DETERMINATIONS OF INCOME ELIGIBILITY FOR**
 6 **SPECIAL SUPPLEMENTAL FOOD PROGRAM.**

7 Section 1060a(c)(1)(B) of title 10, United States
 8 Code, is amended by striking the second sentence and in-
 9 serting the following new sentence: “In the application of
 10 such criterion, the Secretary shall exclude from income
 11 any basic allowance for housing as permitted under section
 12 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C.
 13 1786(d)(2)(B)).”.

14 **SEC. 663. BILLETING SERVICES FOR RESERVE MEMBERS**
 15 **TRAVELING FOR INACTIVE-DUTY TRAINING.**

16 (a) IN GENERAL.—(1) Chapter 1217 of title 10,
 17 United States Code, is amended by inserting after section
 18 12603 the following new section:

19 **“§ 12604. Billeting in Department of Defense facili-**
 20 **ties: Reserves attending inactive-duty**
 21 **training**

22 **“(a) AUTHORITY FOR BILLETING ON SAME BASIS AS**
 23 **ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—**
 24 The Secretary of Defense shall prescribe regulations au-
 25 thorizing a Reserve traveling to inactive-duty training at

1 a location more than 50 miles from that Reserve's resi-
 2 dence to be eligible for billeting in Department of Defense
 3 facilities on the same basis and to the same extent as a
 4 member of the armed forces on active duty who is trav-
 5 eling under orders away from the member's permanent
 6 duty station.

7 “(b) PROOF OF REASON FOR TRAVEL.—The Sec-
 8 retary shall include in the regulations the means for con-
 9 firming a Reserve's eligibility for billeting under sub-
 10 section (a).”.

11 (2) The table of sections at the beginning of such
 12 chapter is amended by inserting after the item relating
 13 to section 12603 the following new item:

“12604. Billeting in Department of Defense facilities: Reserves attending inac-
 tive-duty training.”.

14 (b) EFFECTIVE DATE.—Section 12604 of title 10,
 15 United States Code, as added by subsection (a), shall
 16 apply with respect to periods of inactive-duty training be-
 17 ginning more than 180 days after the date of the enact-
 18 ment of this Act.

19 **SEC. 664. SETTLEMENT OF CLAIMS FOR PAYMENTS FOR**
 20 **UNUSED ACCRUED LEAVE AND FOR RETIRED**
 21 **PAY.**

22 (a) CLAIMS FOR PAYMENTS FOR UNUSED ACCRUED
 23 LEAVE.—Subsection (a)(1)(A) of section 3702 of title 31,

1 United States Code, is amended by inserting “payments
2 for unused accrued leave,” after “transportation,”.

3 (b) WAIVER OF TIME LIMITATIONS.—Subsection
4 (e)(1) of such section is amended by striking “claim for
5 pay or allowances provided under title 37” and inserting
6 “claim for pay, allowances, or payment for unused accrued
7 leave under title 37 or a claim for retired pay under title
8 10”.

9 **SEC. 665. ADDITIONAL BENEFITS AND PROTECTIONS FOR**
10 **PERSONNEL INCURRING INJURY, ILLNESS,**
11 **OR DISEASE IN THE PERFORMANCE OF FU-**
12 **NERAL HONORS DUTY.**

13 (a) INCAPACITATION PAY.—Section 204 of title 37,
14 United States Code, is amended—

15 (1) in subsection (g)(1)—

16 (A) by striking “or” at the end of subpara-
17 graph (C);

18 (B) by striking the period at the end of
19 subparagraph (D) and inserting “; or”; and

20 (C) by adding at the end the following:

21 “(E) in line of duty while—

22 “(i) serving on funeral honors duty under
23 section 12503 of title 10 or section 115 of title
24 32;

1 “(ii) traveling to or from the place at
2 which the duty was to be performed; or

3 “(iii) remaining overnight at or in the vi-
4 cinity of that place immediately before so serv-
5 ing, if the place is outside reasonable com-
6 muting distance from the member’s residence.”;
7 and

8 (2) in subsection (h)(1)—

9 (A) by striking “or” at the end of subpara-
10 graph (C);

11 (B) by striking the period at the end of
12 subparagraph (D) and inserting “; or”; and

13 (C) by adding at the end the following:

14 “(E) in line of duty while—

15 “(i) serving on funeral honors duty under
16 section 12503 of title 10 or section 115 of title
17 32;

18 “(ii) traveling to or from the place at
19 which the duty was to be performed; or

20 “(iii) remaining overnight at or in the vi-
21 cinity of that place immediately before so serv-
22 ing, if the place is outside reasonable com-
23 muting distance from the member’s residence.”.

24 (b) TORT CLAIMS.—Section 2671 of title 28, United
25 States Code, is amended by inserting “115,” in the second

1 paragraph after “members of the National Guard while
2 engaged in training or duty under section”.

3 (c) APPLICABILITY.—(1) The amendments made by
4 subsection (a) shall apply with respect to months begin-
5 ning on or after the date of the enactment of this Act.

6 (2) The amendment made by subsection (b) shall
7 apply with respect to acts and omissions occurring before,
8 on, or after the date of the enactment of this Act.

9 **SEC. 666. AUTHORITY FOR EXTENSION OF DEADLINE FOR**
10 **FILING CLAIMS ASSOCIATED WITH CAPTURE**
11 **AND INTERNMENT OF CERTAIN PERSONS BY**
12 **NORTH VIETNAM.**

13 Section 657(d)(1) of the National Defense Authoriza-
14 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
15 Stat. 2585) is amended by adding at the end the following
16 new sentence: “The Secretary may, in the case of any
17 claim under this section, extend the time limitation under
18 the preceding sentence by up to 18 months if the Sec-
19 retary determines that such an extension in the case of
20 that claim is necessary to prevent an injustice or that fail-
21 ure of the claimant to file the claim within that time limi-
22 tation is due to excusable neglect.”.

1 **SEC. 667. BACK PAY FOR MEMBERS OF THE NAVY AND MA-**
2 **RINE CORPS SELECTED FOR PROMOTION**
3 **WHILE INTERNED AS PRISONERS OF WAR**
4 **DURING WORLD WAR II.**

5 (a) ENTITLEMENT OF FORMER PRISONERS OF
6 WAR.—Upon receipt of a claim made in accordance with
7 this section, the Secretary of the Navy shall pay, from any
8 appropriation currently available to the Secretary, back
9 pay to any person who, by reason of being interned as
10 a prisoner of war while serving as a member of the Navy
11 or the Marine Corps during World War II, was not avail-
12 able to accept a promotion for which the person had been
13 selected.

14 (b) PAYMENT TO SURVIVING SPOUSE OF DECEASED
15 FORMER MEMBER.—In the case of a person described in
16 subsection (a) who is deceased, the back pay for that per-
17 son under this section shall be paid to the living surviving
18 spouse of that person, if any. If there is no living surviving
19 spouse, no claim may be paid under this section with re-
20 spect to that person.

21 (c) AMOUNT OF BACK PAY.—(1) The amount of back
22 pay payable to or for a person described in subsection (a)
23 is the amount equal to the difference between—

24 (A) the total amount of basic pay that would
25 have been paid to that person for service in the
26 Navy or the Marine Corps for the back-pay com-

1 putation period if the person had been promoted to
2 the grade to which selected to be promoted; and

3 (B) the total amount of basic pay that was ac-
4 tually paid to or for that person for such service for
5 the back-pay computation period.

6 (2) For purposes of paragraph (1), the back-pay com-
7 putation period for a person covered by subsection (a) is
8 the period—

9 (A) beginning on the date (as determined by
10 the Secretary of the Navy) as of when that person's
11 promotion would have been effective for pay pur-
12 poses but for the person's internment as a prisoner
13 of war; and

14 (B) ending on the earliest of—

15 (i) the date of the person's discharge or re-
16 lease from active duty;

17 (ii) the date on which the person's pro-
18 motion to that grade in fact became effective
19 for pay purposes; and

20 (iii) the end of World War II.

21 (d) TIME LIMITATIONS.—(1) To be eligible for a pay-
22 ment under this section, a claimant must file a claim for
23 such payment with the Secretary of the Navy within two
24 years after the effective date of the regulations prescribed
25 to carry out this section.

1 (2) Not later than 18 months after receiving a claim
2 for payment under this section, the Secretary shall deter-
3 mine the eligibility of the claimant for payment of the
4 claim. Subject to subsection (f), if the Secretary deter-
5 mines that the claimant is eligible for the payment, the
6 Secretary shall promptly pay the claim.

7 (e) REGULATIONS.—Not later than six months after
8 the date of the enactment of this Act, the Secretary of
9 the Navy shall prescribe regulations to carry out this sec-
10 tion. Such regulations shall include procedures by which
11 persons may submit claims for payment under this section.

12 (f) LIMITATION ON DISBURSEMENT.—(1) Notwith-
13 standing any power of attorney, assignment of interest,
14 contract, or other agreement, the actual disbursement of
15 a payment of back pay under this section may be made
16 only to a person who is eligible for the payment under
17 subsection (a) or (b).

18 (2) In the case of a claim approved for payment but
19 not disbursed as a result of paragraph (1), the Secretary
20 shall hold the funds in trust for the person in an interest
21 bearing account until such time as the person makes an
22 election under such paragraph.

23 (g) ATTORNEY FEES.—Notwithstanding any con-
24 tract, the representative of a person may not receive, for
25 services rendered in connection with the claim of, or with

1 respect to, a person under this section, more than 10 per-
 2 cent of the amount of a payment made under this section
 3 on that claim.

4 (h) OUTREACH.—The Secretary of the Navy shall
 5 take such actions as are necessary to ensure that the bene-
 6 fits and eligibility for benefits under this section are widely
 7 publicized by means designed to provide actual notice of
 8 the availability of the benefits in a timely manner to the
 9 maximum number of eligible persons practicable.

10 (i) DEFINITION.—In this section, the term “World
 11 War II” has the meaning given that term in section
 12 101(8) of title 38, United States Code.

13 **SEC. 668. SENSE OF CONGRESS CONCERNING FUNDING**
 14 **FOR RESERVE COMPONENTS.**

15 It is the sense of Congress that it is in the national
 16 interest for the President, in the President’s Budget for
 17 each fiscal year, to provide funds for the reserve compo-
 18 nents of the Armed Forces at a level sufficient to ensure
 19 that the reserve components are able to meet the require-
 20 ments, including training requirements, specified for them
 21 in the National Military Strategy.

22 **TITLE VII—HEALTH CARE**
 23 **PROVISIONS**

Subtitle A—Health Care Services

Sec. 701. Provision of domiciliary and custodial care for CHAMPUS bene-
 ficiaries and certain former CHAMPUS beneficiaries.

Sec. 702. Chiropractic health care for members on active duty.

- Sec. 703. School-required physical examinations for certain minor dependents.
- Sec. 704. Two-year extension of dental and medical benefits for surviving dependents of certain deceased members.
- Sec. 705. Two-year extension of authority for use of contract physicians at military entrance processing stations and elsewhere outside medical treatment facilities.
- Sec. 706. Medical and dental care for Medal of Honor recipients.

Subtitle B—Senior Health Care

- Sec. 711. Implementation of TRICARE senior pharmacy program.
- Sec. 712. Conditions for eligibility for CHAMPUS and TRICARE upon the attainment of age 65; expansion and modification of medicare subvention project.
- Sec. 713. Accrual funding for health care for medicare-eligible retirees and dependents.

Subtitle C—TRICARE Program

- Sec. 721. Improvement of access to health care under the TRICARE program.
- Sec. 722. Additional beneficiaries under TRICARE Prime Remote program in the continental United States.
- Sec. 723. Modernization of TRICARE business practices and increase of use of military treatment facilities.
- Sec. 724. Extension of TRICARE managed care support contracts.
- Sec. 725. Report on protections against health care providers seeking direct reimbursement from members of the uniformed services.
- Sec. 726. Voluntary termination of enrollment in TRICARE retiree dental program.
- Sec. 727. Claims processing improvements.
- Sec. 728. Prior authorizations for certain referrals and nonavailability-of-health-care statements.

Subtitle D—Demonstration Projects

- Sec. 731. Demonstration project for expanded access to mental health counselors.
- Sec. 732. Teleradiology demonstration project.
- Sec. 733. Health care management demonstration program.

Subtitle E—Joint Initiatives With Department of Veterans Affairs

- Sec. 741. VA-DOD sharing agreements for health services.
- Sec. 742. Processes for patient safety in military and veterans health care systems.
- Sec. 743. Cooperation in developing pharmaceutical identification technology.

Subtitle F—Other Matters

- Sec. 751. Management of anthrax vaccine immunization program.
- Sec. 752. Elimination of copayments for immediate family.
- Sec. 753. Medical informatics.
- Sec. 754. Patient care reporting and management system.
- Sec. 755. Augmentation of Army Medical Department by detailing Reserve officers of the Public Health Service.
- Sec. 756. Privacy of Department of Defense medical records.

Sec. 757. Authority to establish special locality-based reimbursement rates; reports.

Sec. 758. Reimbursement for certain travel expenses.

Sec. 759. Reduction of cap on payments.

Sec. 760. Training in health care management and administration.

Sec. 761. Studies on feasibility of sharing biomedical research facility.

Sec. 762. Study on comparability of coverage for physical, speech, and occupational therapies.

1 **Subtitle A—Health Care Services**

2 **SEC. 701. PROVISION OF DOMICILIARY AND CUSTODIAL** 3 **CARE FOR CHAMPUS BENEFICIARIES AND** 4 **CERTAIN FORMER CHAMPUS BENEFICIARIES.**

5 (a) CONTINUATION OF CARE FOR CERTAIN
6 CHAMPUS BENEFICIARIES.—Section 703(a)(1) of the
7 National Defense Authorization Act for Fiscal Year 2000
8 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note)
9 is amended by inserting before the period at the end the
10 following: “or by the prohibition in section 1086(d)(1) of
11 such title”.

12 (b) REIMBURSEMENT FOR SERVICES PROVIDED.—
13 Section 703(a) of such Act is further amended by adding
14 at the end the following new paragraph:

15 “(4) The Secretary may provide payment for domi-
16 ciliary or custodial care services provided to an eligible
17 beneficiary for which payment was discontinued by reason
18 of section 1086(d) of title 10, United States Code, and
19 subsequently reestablished under other legal authority.
20 Such payment is authorized for the period beginning on
21 the date of discontinuation of payment for domiciliary or

1 custodial care services and ending on the date of reestab-
2 lishment of payment for such services.”.

3 (c) COST LIMITATION FOR INDIVIDUAL CASE MAN-
4 AGEMENT PROGRAM.—(1) Section 1079(a)(17) of title 10,
5 United States Code, is amended—

6 (A) by inserting “(A)” after “(17)”; and

7 (B) by adding at the end the following:

8 “(B) The total amount expended under sub-
9 paragraph (A) for a fiscal year may not exceed
10 \$100,000,000.”.

11 (2) Section 703 of the National Defense Authoriza-
12 tion Act for Fiscal Year 2000 is further amended by add-
13 ing at the end the following:

14 “(e) COST LIMITATION.—The total amount paid for
15 services for eligible beneficiaries under subsection (a) for
16 a fiscal year (together with the costs of administering the
17 authority under that subsection) shall be included in the
18 expenditures limited by section 1079(a)(17)(B) of title 10,
19 United States Code.”.

20 (3) The amendments made by paragraphs (1) and (2)
21 shall apply to fiscal years after fiscal year 1999.

22 (d) STUDY REQUIRED.—(1) Not later than the date
23 that is three months after the date of the enactment of
24 this Act, the Comptroller General of the United States
25 shall undertake a study to evaluate the coordination and

1 effectiveness of the supplemental disability health care
2 programs of the Department of Defense, the Program for
3 Persons with Disabilities and the Individual Case Manage-
4 ment Program for Persons with Disabilities, as such pro-
5 grams relate to other elements of the TRICARE program
6 in meeting the health care needs of disabled dependents
7 of members of the Armed Forces on active duty. The
8 Comptroller General shall examine—

9 (A) the number of such dependents who receive
10 services under the Program for Persons with Dis-
11 abilities, and the number of beneficiaries receiving
12 care under the Individual Case Management Pro-
13 gram for Persons with Disabilities, and a description
14 of the patterns of use and expenditures for services
15 provided under such programs;

16 (B) the effectiveness of the existing system for
17 coordinating the provision of services under the
18 TRICARE program and the supplemental disability
19 programs of the Department of Defense, including
20 the comprehensiveness of services and the cost effec-
21 tiveness of providing services;

22 (C) the extent to which the monthly maximum
23 benefit imposed under current law under the Pro-
24 gram for Persons with Disabilities affects the ability
25 of beneficiaries to obtain needed health care services;

1 (D) the number of beneficiaries who are receiv-
2 ing services that supplement services to the
3 TRICARE program under the Program for Persons
4 with Disabilities and the Individual Case Manage-
5 ment Program for Persons with Disabilities; and

6 (E) the extent to which costs or lack of cov-
7 erage for health care services for disabled depend-
8 ents of members of the Armed Forces on active duty
9 under existing military health care programs has
10 caused increased enrollment of such dependents in
11 medicaid programs.

12 (2) Not later than April 16, 2001, the Comptroller
13 General shall submit to Congress a report on the results
14 of the study under this section, including recommenda-
15 tions for legislative or administrative changes for pro-
16 viding a comprehensive, efficient, and complete system of
17 health care services for disabled dependents of members
18 of the Armed Forces on active duty.

19 **SEC. 702. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON**
20 **ACTIVE DUTY.**

21 (a) PLAN REQUIRED.—(1) Not later than March 31,
22 2001, the Secretary of Defense shall complete develop-
23 ment of a plan to provide chiropractic health care services
24 and benefits, as a permanent part of the Defense Health
25 Program (including the TRICARE program), for all mem-

1 bers of the uniformed services who are entitled to care
2 under section 1074(a) of title 10, United States Code.

3 (2) The plan shall provide for the following:

4 (A) Access, at designated military medical
5 treatment facilities, to the scope of chiropractic serv-
6 ices as determined by the Secretary, which includes,
7 at a minimum, care for neuro-musculoskeletal condi-
8 tions typical among military personnel on active
9 duty.

10 (B) A detailed analysis of the projected costs of
11 fully integrating chiropractic health care services
12 into the military health care system.

13 (C) An examination of the proposed military
14 medical treatment facilities at which such services
15 would be provided.

16 (D) An examination of the military readiness
17 requirements for chiropractors who would provide
18 such services.

19 (E) An examination of any other relevant fac-
20 tors that the Secretary considers appropriate.

21 (F) Phased-in implementation of the plan over
22 a 5-year period, beginning on October 1, 2001.

23 (b) CONSULTATION REQUIREMENTS.—The Secretary
24 of Defense shall consult with the other administering Sec-
25 retaries described in section 1073 of title 10, United

1 States Code, and the oversight advisory committee estab-
2 lished under section 731 of the National Defense Author-
3 ization Act for Fiscal Year 1995 (Public Law 103–337;
4 10 U.S.C. 1092 note) regarding the following:

5 (1) The development and implementation of the
6 plan required under subsection (a).

7 (2) Each report that the Secretary is required
8 to submit to Congress regarding the plan.

9 (3) The selection of the military medical treat-
10 ment facilities at which the chiropractic services de-
11 scribed in subsection (a)(2)(A) are to be provided.

12 (c) CONTINUATION OF CURRENT SERVICES.—Until
13 the plan required under subsection (a) is implemented, the
14 Secretary shall continue to furnish the same level of chiro-
15 practic health care services and benefits under the Defense
16 Health Program that is provided during fiscal year 2000
17 at military medical treatment facilities that provide such
18 services and benefits.

19 (d) REPORT REQUIRED.—Not later than January 31,
20 2001, the Secretary of Defense shall submit a report on
21 the plan required under subsection (a), together with ap-
22 propriate appendices and attachments, to the Committees
23 on Armed Services of the Senate and the House of Rep-
24 resentatives.

1 (e) GAO REPORTS.—The Comptroller General shall
2 monitor the development and implementation of the plan
3 required under subsection (a), including the administra-
4 tion of services and benefits under the plan, and periodi-
5 cally submit to the committees referred to in subsection
6 (d) written reports on such development and implementa-
7 tion.

8 **SEC. 703. SCHOOL-REQUIRED PHYSICAL EXAMINATIONS**
9 **FOR CERTAIN MINOR DEPENDENTS.**

10 Section 1076 of title 10, United States Code is
11 amended by adding at the end the following:

12 “(f)(1) The administering Secretaries shall furnish
13 an eligible dependent a physical examination that is re-
14 quired by a school in connection with the enrollment of
15 the dependent as a student in that school.

16 “(2) A dependent is eligible for a physical examina-
17 tion under paragraph (1) if the dependent—

18 “(A) is entitled to receive medical care under
19 subsection (a) or is authorized to receive medical
20 care under subsection (b); and

21 “(B) is at least 5 years of age and less than 12
22 years of age.

23 “(3) Nothing in paragraph (2) may be construed to
24 prohibit the furnishing of a school-required physical exam-
25 ination to any dependent who, except for not satisfying

1 the age requirement under that paragraph, would other-
2 wise be eligible for a physical examination required to be
3 furnished under this subsection.”.

4 **SEC. 704. TWO-YEAR EXTENSION OF DENTAL AND MEDICAL**
5 **BENEFITS FOR SURVIVING DEPENDENTS OF**
6 **CERTAIN DECEASED MEMBERS.**

7 (a) DENTAL BENEFITS.—Section 1076a(k)(2) of title
8 10, United States Code, is amended by striking “one-year
9 period” and inserting “three-year period”.

10 (b) MEDICAL BENEFITS.—Section 1079(g) of title
11 10, United States Code, is amended by striking “one-year
12 period” in the second sentence and inserting “three-year
13 period”.

14 **SEC. 705. TWO-YEAR EXTENSION OF AUTHORITY FOR USE**
15 **OF CONTRACT PHYSICIANS AT MILITARY EN-**
16 **TRANCE PROCESSING STATIONS AND ELSE-**
17 **WHERE OUTSIDE MEDICAL TREATMENT FA-**
18 **CILITIES.**

19 Section 1091(a)(2) of title 10, United States Code,
20 is amended by striking “December 31, 2000” in the sec-
21 ond sentence and inserting “December 31, 2002”.

1 **SEC. 706. MEDICAL AND DENTAL CARE FOR MEDAL OF**
2 **HONOR RECIPIENTS.**

3 (a) IN GENERAL.—(1) Chapter 55 of title 10, United
4 States Code, is amended by inserting after section 1074g
5 the following new section:

6 **“§ 1074h. Medical and dental care: medal of honor re-**
7 **cipients; dependents**

8 “(a) MEDAL OF HONOR RECIPIENTS.—A former
9 member of the armed forces who is a Medal of Honor re-
10 cipient and who is not otherwise entitled to medical and
11 dental benefits under this chapter may, upon request, be
12 given medical and dental care provided by the admin-
13 istering Secretaries in the same manner as if entitled to
14 retired pay.

15 “(b) IMMEDIATE DEPENDENTS.—A person who is an
16 immediate dependent of a Medal of Honor recipient and
17 who is not otherwise entitled to medical and dental bene-
18 fits under this chapter may, upon request, be given med-
19 ical and dental care provided by the administering Secre-
20 taries in the same manner as if the Medal of Honor recipi-
21 ent were, or (if deceased) was at the time of death, entitled
22 to retired pay.

23 “(c) DEFINITIONS—In this section:

24 “(1) The term ‘Medal of Honor recipient’
25 means a person who has been awarded a medal of

1 honor under section 3741, 6241, or 8741 of this
2 title or section 491 of title 14.

3 “(2) The term ‘immediate dependent’ means a
4 dependent described in subparagraph (A), (B), (C),
5 or (D) of section 1072(2) of this title.”.

6 (2) The table of sections at the beginning of such
7 chapter is amended by inserting after the item relating
8 to section 1074g the following new item:

“1074h. Medical and dental care: medal of honor recipients; dependents.”.

9 (b) EFFECTIVE DATE.—Section 1074h of title 10,
10 United States Code, shall apply with respect to medical
11 and dental care provided on or after the date of the enact-
12 ment of this Act.

13 **Subtitle B—Senior Health Care**

14 **SEC. 711. IMPLEMENTATION OF TRICARE SENIOR PHAR-** 15 **MACY PROGRAM.**

16 (a) EXPANSION OF TRICARE SENIOR PHARMACY
17 PROGRAM.—Section 723 of the Strom Thurmond Na-
18 tional Defense Authorization Act for Fiscal Year 1999
19 (Public Law 105–261; 112 Stat. 2068; 10 U.S.C. 1073
20 note) is amended—

21 (1) in subsection (a)—

22 (A) by striking “October 1, 1999” and in-
23 serting “April 1, 2001”; and

24 (B) by striking “who reside in an area se-
25 lected under subsection (f)”;

1 (2) by amending subsection (b) to read as fol-
2 lows:

3 “(b) PROGRAM REQUIREMENTS.—The same coverage
4 for pharmacy services and the same requirements for cost
5 sharing and reimbursement as are applicable under sec-
6 tion 1086 of title 10, United States Code, shall apply with
7 respect to the program required by subsection (a).”;

8 (3) in subsection (d)—

9 (A) by striking “December 31, 2000” and
10 inserting “December 31, 2001”; and

11 (B) by striking “December 31, 2002” and
12 inserting “December 31, 2003”;

13 (4) in subsection (e)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (B), by inserting
16 “and” after the semicolon;

17 (ii) in subparagraph (C), by striking
18 “; and” and inserting a period; and

19 (iii) by striking subparagraph (D);
20 and

21 (B) in paragraph (2), by striking “at the
22 time” and all that follows through “facility”
23 and inserting “, before April 1, 2001, has at-
24 tained the age of 65 and did not enroll in the
25 program described in such paragraph”; and

1 (5) by striking subsection (f).

2 (b) TERMINATION OF DEMONSTRATION PROJECT
3 AND RETAIL PHARMACY NETWORK REQUIREMENTS.—
4 Section 702 of the National Defense Authorization Act for
5 Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1079
6 note) is amended by adding at the end the following:

7 “(h) TERMINATION.—This section shall cease to
8 apply to the Secretary of Defense on the date after the
9 implementation of section 711 of the Floyd D. Spence Na-
10 tional Defense Authorization Act for Fiscal Year 2001
11 that the Secretary determines appropriate, with a view to
12 minimizing instability with respect to the provision of
13 pharmacy benefits, but in no case later than the date that
14 is one year after the date of the enactment of such Act.”.

15 **SEC. 712. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS**
16 **AND TRICARE UPON THE ATTAINMENT OF**
17 **AGE 65; EXPANSION AND MODIFICATION OF**
18 **MEDICARE SUBVENTION PROJECT.**

19 (a) ELIGIBILITY OF MEDICARE ELIGIBLE PER-
20 SONS.—(1) Section 1086(d) of title 10, United States
21 Code, is amended—

22 (A) by striking paragraph (2) and inserting the
23 following:

24 “(2) The prohibition contained in paragraph (1) shall
25 not apply to a person referred to in subsection (c) who—

1 “(A) is enrolled in the supplementary medical
2 insurance program under part B of such title (42
3 U.S.C. 1395j et seq.); and

4 “(B) in the case of a person under 65 years of
5 age, is entitled to hospital insurance benefits under
6 part A of title XVIII of the Social Security Act pur-
7 suant to subparagraph (A) or (C) of section
8 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or sec-
9 tion 226A(a) of such Act (42 U.S.C. 426–1(a)).”;
10 and

11 (B) in paragraph (4), by striking “paragraph
12 (1) who satisfy only the criteria specified in subpara-
13 graphs (A) and (B) of paragraph (2), but not sub-
14 paragraph (C) of such paragraph,” and inserting
15 “subparagraph (B) of paragraph (2) who do not sat-
16 isfy the condition specified in subparagraph (A) of
17 such paragraph”.

18 (2) Subsection (a)(4)(A) of section 1896 of the Social
19 Security Act (42 U.S.C. 1395ggg) is amended to read as
20 follows:

21 “(A) is eligible for health benefits under
22 section 1086 of such title by reason of sub-
23 section (c)(1) of such section;”.

24 (3) The amendments made by paragraphs (1) and (2)
25 shall take effect on October 1, 2001.

1 (b) 1-YEAR EXTENSION OF MEDICARE SUBVENTION
2 PROJECT.—Section 1896 of the Social Security Act (42
3 U.S.C. 1395ggg) is amended—

4 (1) in subsection (b)(4), by striking “3-year pe-
5 riod” and inserting “4-year period”; and

6 (2) in subsection (i)(4)—

7 (A) by striking “and” at the end of sub-
8 paragraph (B);

9 (B) by striking the period at the end of
10 subparagraph (C) and inserting “; and”; and

11 (C) by adding at the end the following new
12 subparagraph:

13 “(D) \$70,000,000 for calendar year
14 2001.”.

15 (c) FURTHER EXTENSION OF MEDICARE SUB-
16 VENTION PROJECT.—(1) Subsection (b)(4) of section
17 1896 of the Social Security Act (42 U.S.C. 1395ggg) is
18 amended by striking the period at the end and inserting
19 the following: “, except that the administering Secretaries
20 may negotiate and (subject to section 701(f) of the Floyd
21 D. Spence National Defense Authorization Act for Fiscal
22 Year 2001) enter into a new or revised agreement under
23 paragraph (1)(A) to continue the project after the end of
24 such period. If the project is so continued, the admin-
25 istering Secretaries may terminate the agreement under

1 which the program operates after providing notice to Con-
2 gress in accordance with subsection (k)(2)(B)(v).”.

3 (2) Such section is further amended—

4 (A) in the heading, by striking “DEMONSTRA-
5 TION PROJECT” and inserting “PROGRAM”;

6 (B) by amending paragraph (2) of subsection
7 (a) to read as follows:

8 “(2) PROGRAM.—The term ‘program’ means the pro-
9 gram carried out under this section.”;

10 (C) by striking “DEMONSTRATION PROJECT”
11 and “demonstration project” and “project” each
12 place each appears and inserting “PROGRAM”, “pro-
13 gram”, and “program” respectively ; and

14 (D) by striking “DEMONSTRATION” in the
15 heading of subsection (j)(1).

16 (3) Subsection (i)(4) of such section is amended to
17 read as follows:

18 “(4) CAP ON AMOUNT.—The maximum aggre-
19 gate expenditures from the trust funds under this
20 subsection pursuant to the agreement entered into
21 between the administering Secretaries under sub-
22 section (b) for a fiscal year (before fiscal year 2006)
23 shall not exceed the amount agreed by the Secre-
24 taries to be the amount that would have been ex-
25 pended from the trust funds on beneficiaries who en-

1 roll in the program, had the program not been es-
 2 tablished, plus the following:

3 “(A) \$35,000,000 for fiscal year 2002.

4 “(B) \$55,000,000 for fiscal year 2003.

5 “(C) \$75,000,000 for fiscal year 2004.

6 “(D) \$100,000,000 for fiscal year 2005.”.

7 (d) AUTHORIZING PROGRAM EXPANSION AND MODI-
 8 FICATIONS.—(1) Paragraph (2) of subsection (b) of such
 9 section 1896 is amended to read as follows:

10 “(2) LOCATION OF SITES.—Subject to sub-
 11 section (k)(2)(B), the program shall be conducted in
 12 any site that is designated jointly by the admin-
 13 istering Secretaries.”.

14 (2) Subsection (d)(2) of such section is amended by
 15 inserting “, or (subject to subsection (k)(2)(B)) such com-
 16 parable requirements as are included in the agreement
 17 under subsection (b)(1)(A)” after “the following areas”.

18 (3) Subsection (i) of such section is amended—

19 (A) in paragraph (2), by inserting “subject to
 20 paragraph (4),” after “paragraph (1)”; and

21 (B) by striking paragraph (4) and inserting the
 22 following:

23 “(4) MODIFICATION OF PAYMENT METHOD-
 24 OLOGY.—The administering Secretaries may, subject
 25 to subsection (k)(2)(B), modify the payment meth-

1 odology provided under paragraphs (1) and (2) so
2 long as the amount of the reimbursement provided
3 to the Secretary of Defense fully reimburses the De-
4 partment of Defense for its cost of providing services
5 under the program but does not exceed an amount
6 that is estimated to be equivalent to the amount that
7 otherwise would have been expended under this title
8 for such services if provided other than under the
9 program (not including amounts described in para-
10 graph (2)). Such limiting amount may be based for
11 any site on the amount that would be payable to
12 Medicare+Choice organizations under part C for the
13 area of the site or the amounts that would be pay-
14 able under parts A and B.”.

15 (e) CHANGE IN REPORTS.—Paragraph (2) of sub-
16 section (k) of such section 1896 is amended to read as
17 follows:

18 “(2) REPORTS ON PROGRAM OPERATION AND
19 CHANGES.—

20 “(A) ANNUAL REPORT.—The admin-
21 istering Secretaries shall submit to the Commit-
22 tees on Armed Services and Finance of the Sen-
23 ate and the Committees on Armed Services and
24 Ways and Means of the House of Representa-
25 tives an annual report on the program and its

1 impact on costs and the provision of health
2 services under this title and title 10, United
3 States Code.

4 “(B) BEFORE MAKING CERTAIN PROGRAM
5 CHANGES.—The administering Secretaries shall
6 submit to such Committees a report at least 60
7 days before—

8 “(i) changing the designation of a site
9 under subsection (b)(2);

10 “(ii) applying comparable require-
11 ments under subsection (d)(2);

12 “(iii) making significant changes in
13 payment methodology or amounts under
14 subsection (i)(4);

15 “(iv) making other significant changes
16 in the operation of the program; or

17 “(v) terminating the agreement under
18 the second sentence of subsection (b)(4).

19 “(C) EXPLANATION.—Each report under
20 subparagraph (B) shall include justifications for
21 the changes or termination to which the report
22 refers.”.

23 (f) CONDITIONAL EFFECTIVE DATE.—(1) Upon ne-
24 gotiating an agreement under the amendment made by
25 subsection (c)(1), the Secretary of Defense and the Sec-

1 retary of Health and Human Services shall jointly trans-
 2 mit a notification of the proposed agreement to the Com-
 3 mittee on Armed Services and the Committee on Finance
 4 of the Senate and the Committee on Armed Services and
 5 the Committee on Ways and Means of the House of Rep-
 6 resentatives, and shall include with the transmittal a copy
 7 of the proposed agreement and all related agreements and
 8 supporting documents.

9 (2) Such proposed agreement shall take effect, and
 10 the amendments made by subsections (c)(2), (c)(3), (d),
 11 and (e) shall take effect, on such date as is provided for
 12 in such agreement and in an Act enacted after the date
 13 of the enactment of this Act.

14 **SEC. 713. ACCRUAL FUNDING FOR HEALTH CARE FOR**
 15 **MEDICARE-ELIGIBLE RETIREES AND DE-**
 16 **PENDENTS.**

17 (a) ESTABLISHMENT OF FUND.—(1) Part II of sub-
 18 title A of title 10, United States Code, is amended by in-
 19 serting after chapter 55 the following new chapter:

20 **“CHAPTER 56—DEPARTMENT OF DEFENSE**
 21 **MEDICARE-ELIGIBLE RETIREE**
 22 **HEALTH CARE FUND**

“Sec.

“1111. Establishment and purpose of Fund; definitions.

“1112. Assets of Fund.

“1113. Payments from the Fund.

“1114. Board of Actuaries.

“1115. Determination of contributions to the Fund.

- “1116. Payments into the Fund.
 “1117. Investment of assets of Fund.

1 **“§ 1111. Establishment and purpose of Fund; defini-**
 2 **tions**

3 “(a) There is established on the books of the Treas-
 4 ury a fund to be known as the Department of Defense
 5 Medicare-Eligible Retiree Health Care Fund (hereinafter
 6 in this chapter referred to as the “Fund”), which shall
 7 be administered by the Secretary of the Treasury. The
 8 Fund shall be used for the accumulation of funds in order
 9 to finance on an actuarially sound basis liabilities of the
 10 Department of Defense under Department of Defense re-
 11 tiree health care programs for medicare-eligible bene-
 12 ficiaries.

13 “(b) In this chapter:

14 “(1) The term ‘Department of Defense retiree
 15 health care programs for medicare-eligible bene-
 16 ficiaries’ means the provisions of this title or any
 17 other provision of law creating entitlement to health
 18 care for a medicare-eligible member or former mem-
 19 ber of the uniformed services entitled to retired or
 20 retainer pay, or a medicare-eligible dependent of a
 21 member or former member of the uniformed services
 22 entitled to retired or retainer pay.

1 “(2) The term ‘medicare-eligible’ means entitled
2 to benefits under part A of title XVIII of the Social
3 Security Act (42 U.S.C. 1395c et seq.).

4 “(3) The term ‘dependent’ means a dependent
5 (as such term is defined in section 1072 of this title)
6 described in section 1076(b)(1) of this title.

7 **“§ 1112. Assets of Fund**

8 “‘There shall be deposited into the Fund the fol-
9 lowing, which shall constitute the assets of the Fund:

10 “(1) Amounts paid into the Fund under section
11 1116 of this title.

12 “(2) Any amount appropriated to the Fund.

13 “(3) Any return on investment of the assets of
14 the Fund.

15 **“§ 1113. Payments from the Fund**

16 “(a) There shall be paid from the Fund amounts pay-
17 able for Department of Defense retiree health care pro-
18 grams for medicare-eligible beneficiaries.

19 “(b) The assets of the Fund are hereby made avail-
20 able for payments under subsection (a).

21 **“§ 1114. Board of Actuaries**

22 “(a)(1) There is established in the Department of De-
23 fense a Department of Defense Medicare-Eligible Retiree
24 Health Care Board of Actuaries (hereinafter in this chap-
25 ter referred to as the “Board”). The Board shall consist

1 of three members who shall be appointed by the Secretary
2 of Defense from among qualified professional actuaries
3 who are members of the Society of Actuaries.

4 “(2)(A) Except as provided in subparagraph (B), the
5 members of the Board shall serve for a term of 15 years,
6 except that a member of the Board appointed to fill a va-
7 cancy occurring before the end of the term for which his
8 predecessor was appointed shall only serve until the end
9 of such term. A member may serve after the end of his
10 term until his successor has taken office. A member of
11 the Board may be removed by the Secretary of Defense
12 for misconduct or failure to perform functions vested in
13 the Board, and for no other reason.

14 “(B) Of the members of the Board who are first ap-
15 pointed under this paragraph, one each shall be appointed
16 for terms ending five, ten, and 15 years, respectively, after
17 the date of appointment, as designated by the Secretary
18 of Defense at the time of appointment.

19 “(3) A member of the Board who is not otherwise
20 an employee of the United States is entitled to receive pay
21 at the daily equivalent of the annual rate of basic pay of
22 the highest rate of basic pay under the General Schedule
23 of subchapter III of chapter 53 of title 5, for each day
24 the member is engaged in the performance of duties vested
25 in the Board, and is entitled to travel expenses, including

1 a per diem allowance, in accordance with section 5703 of
2 title 5.

3 “(b) The Board shall report to the Secretary of De-
4 fense annually on the actuarial status of the Fund and
5 shall furnish its advice and opinion on matters referred
6 to it by the Secretary.

7 “(c) The Board shall review valuations of the Fund
8 under section 1115(c) of this title and shall report periodi-
9 cally, not less than once every four years, to the President
10 and Congress on the status of the Fund. The Board shall
11 include in such reports recommendations for such changes
12 as in the Board’s judgment are necessary to protect the
13 public interest and maintain the Fund on a sound actu-
14 arial basis.

15 **“§ 1115. Determination of contributions to the Fund**

16 “(a) The Board shall determine the amount that is
17 the present value (as of October 1, 2002) of future bene-
18 fits payable from the Fund that are attributable to service
19 in the uniformed services performed before October 1,
20 2002. That amount is the original unfunded liability of
21 the Fund. The Board shall determine the period of time
22 over which the original unfunded liability should be liq-
23 uidated and shall determine an amortization schedule for
24 the liquidation of such liability over that period. Contribu-
25 tions to the Fund for the liquidation of the original un-

1 funded liability in accordance with such schedule shall be
2 made as provided in section 1116(b) of this title.

3 “(b)(1) The Secretary of Defense shall determine
4 each year, in sufficient time for inclusion in budget re-
5 quests for the following fiscal year, the total amount of
6 Department of Defense contributions to be made to the
7 Fund during that fiscal year under section 1116(a) of this
8 title. That amount shall be the sum of the following:

9 “(A) The product of—

10 “(i) the current estimate of the value of
11 the single level dollar amount to be determined
12 under subsection (c)(1)(A) at the time of the
13 next actuarial valuation under subsection (c);
14 and

15 “(ii) the expected average force strength
16 during that fiscal year for members of the uni-
17 formed services on active duty (other than ac-
18 tive duty for training) and full-time National
19 Guard duty (other than full-time National
20 Guard duty for training only).

21 “(B) The product of—

22 “(i) the current estimate of the value of
23 the single level dollar amount to be determined
24 under subsection (c)(1)(B) at the time of the

1 next actuarial valuation under subsection (c);
2 and

3 “(ii) the expected average force strength
4 during that fiscal year for members of the
5 Ready Reserve of the uniformed services other
6 than members on full-time National Guard duty
7 other than for training) who are not otherwise
8 described in subparagraph (A)(ii).

9 “(2) The amount determined under paragraph (1) for
10 any fiscal year is the amount needed to be appropriated
11 to the Department of Defense for that fiscal year for pay-
12 ments to be made to the Fund during that year under
13 section 1116(a) of this title. The President shall include
14 not less than the full amount so determined in the budget
15 transmitted to Congress for that fiscal year under section
16 1105 of title 31. The President may comment and make
17 recommendations concerning any such amount.

18 “(c)(1) Not less often than every four years, the Sec-
19 retary of Defense shall carry out an actuarial valuation
20 of the Fund. Each such actuarial valuation shall include—

21 “(A) a determination (using the aggregate
22 entry-age normal cost method) of a single level dol-
23 lar amount for members of the uniformed services
24 on active duty (other than active duty for training)

1 or full-time National Guard duty (other than full-
2 time National Guard duty for training only); and

3 “(B) a determination (using the aggregate
4 entry-age normal cost method) of a single level dol-
5 lar amount for members of the Ready Reserve of the
6 uniformed services and other than members on full-
7 time National Guard duty other than for training)
8 who are not otherwise described by subparagraph
9 (A).

10 Such single level dollar amounts shall be used for the pur-
11 poses of subsection (b) and section 1116(a) of this title.

12 “(2) If at the time of any such valuation there has
13 been a change in benefits under the Department of De-
14 fense retiree health care programs for medicare-eligible
15 beneficiaries that has been made since the last such valu-
16 ation and such change in benefits increases or decreases
17 the present value of amounts payable from the Fund, the
18 Secretary of Defense shall determine an amortization
19 methodology and schedule for the amortization of the cu-
20 mulative unfunded liability (or actuarial gain to the Fund)
21 created by such change and any previous such changes
22 so that the present value of the sum of the amortization
23 payments (or reductions in payments that would otherwise
24 be made) equals the cumulative increase (or decrease) in
25 the present value of such amounts.

1 “(3) If at the time of any such valuation the Sec-
2 retary of Defense determines that, based upon changes in
3 actuarial assumptions since the last valuation, there has
4 been an actuarial gain or loss to the Fund, the Secretary
5 shall determine an amortization methodology and schedule
6 for the amortization of the cumulative gain or loss to the
7 Fund created by such change in assumptions and any pre-
8 vious such changes in assumptions through an increase
9 or decrease in the payments that would otherwise be made
10 to the Fund.

11 “(4) If at the time of any such valuation the Sec-
12 retary of Defense determines that, based upon the Fund’s
13 actuarial experience (other than resulting from changes in
14 benefits or actuarial assumptions) since the last valuation,
15 there has been an actuarial gain or loss to the Fund, the
16 Secretary shall determine an amortization methodology
17 and schedule for the amortization of the cumulative gain
18 or loss to the Fund created by such actuarial experience
19 and any previous actuarial experience through an increase
20 or decrease in the payments that would otherwise be made
21 to the Fund.

22 “(5) Contributions to the Fund in accordance with
23 amortization schedules under paragraphs (2), (3), and (4)
24 shall be made as provided in section 1116(b) of this title.

1 “(d) All determinations under this section shall be
2 made using methods and assumptions approved by the
3 Board of Actuaries (including assumptions of interest
4 rates and medical inflation) and in accordance with gen-
5 erally accepted actuarial principles and practices.

6 “(e) The Secretary of Defense shall provide for the
7 keeping of such records as are necessary for determining
8 the actuarial status of the Fund.

9 **“§ 1116. Payments into the Fund**

10 “(a) The Secretary of Defense shall pay into the
11 Fund at the end of each month as the Department of De-
12 fense contribution to the Fund for that month the amount
13 that is the sum of the following:

14 “(1) The product of—

15 “(A) the monthly dollar amount deter-
16 mined using all the methods and assumptions
17 approved for the most recent (as of the first
18 day of the current fiscal year) actuarial valu-
19 ation under section 1115(c)(1)(A) of this title
20 (except that any statutory change in the De-
21 partment of Defense retiree health care pro-
22 grams for medicare-eligible beneficiaries that is
23 effective after the date of that valuation and on
24 or before the first day of the current fiscal year
25 shall be used in such determination); and

1 “(B) the total end strength for that month
2 for members of the uniformed services on active
3 duty (other than active duty for training) and
4 full-time National Guard duty (other than full-
5 time National Guard duty for training only).

6 “(2) The product of—

7 “(A) the level monthly dollar amount de-
8 termined using all the methods and assump-
9 tions approved for the most recent (as of the
10 first day of the current fiscal year) actuarial
11 valuation under section 1115(c)(1)(B) of this
12 title (except that any statutory change in the
13 Department of Defense retiree health care pro-
14 grams for medicare-eligible beneficiaries that is
15 effective after the date of that valuation and on
16 or before the first day of the current fiscal year
17 shall be used in such determination); and

18 “(B) the total end strength for that month
19 for members of the Ready Reserve of the uni-
20 formed services other than members on full-
21 time National Guard duty other than for train-
22 ing) who are not otherwise described in para-
23 graph (1)(B). Amounts paid into the Fund
24 under this subsection shall be paid from funds
25 available for the Defense Health Program.

1 “(b)(1) At the beginning of each fiscal year the Sec-
2 retary of the Treasury shall promptly pay into the Fund
3 from the General Fund of the Treasury the amount cer-
4 tified to the Secretary by the Secretary of Defense under
5 paragraph (3). Such payment shall be the contribution to
6 the Fund for that fiscal year required by sections 1115(a)
7 and 1115(c) of this title.

8 “(2) At the beginning of each fiscal year the Sec-
9 retary of Defense shall determine the sum of the following:

10 “(A) The amount of the payment for that year
11 under the amortization schedule determined by the
12 Board of Actuaries under section 1115(a) of this
13 title for the amortization of the original unfunded li-
14 ability of the Fund.

15 “(B) The amount (including any negative
16 amount) for that year under the most recent amorti-
17 zation schedule determined by the Secretary of De-
18 fense under section 1115(c)(2) of this title for the
19 amortization of any cumulative unfunded liability (or
20 any gain) to the Fund resulting from changes in
21 benefits.

22 “(C) The amount (including any negative
23 amount) for that year under the most recent amorti-
24 zation schedule determined by the Secretary of De-
25 fense under section 1115(c)(3) of this title for the

1 amortization of any cumulative actuarial gain or loss
2 to the Fund resulting from actuarial assumption
3 changes.

4 “(D) The amount (including any negative
5 amount) for that year under the most recent amorti-
6 zation schedule determined by the Secretary of De-
7 fense under section 111(c)(4) of this title for the
8 amortization of any cumulative actuarial gain or loss
9 to the Fund resulting from actuarial experience.

10 “(3) The Secretary of Defense shall promptly certify
11 the amount determined under paragraph (2) each year to
12 the Secretary of the Treasury.

13 **“§ 1117. Investment of assets of Fund**

14 “The Secretary of the Treasury shall invest such por-
15 tion of the Fund as is not in the judgment of the Secretary
16 of Defense required to meet current withdrawals. Such in-
17 vestments shall be in public debt securities with maturities
18 suitable to the needs of the Fund, as determined by the
19 Secretary of Defense, and bearing interest at rates deter-
20 mined by the Secretary of the Treasury, taking into con-
21 sideration current market yields on outstanding market-
22 able obligations of the United States of comparable matu-
23 rities. The income on such investments shall be credited
24 to and form a part of the Fund.”.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 55 the following new item:

“56. Department of Defense Medicare-Eligible Retiree Health Care Fund 1111.”.

(b) DELAYED EFFECTIVE DATES FOR CERTAIN PROVISIONS.—(1) Sections 1113 and 1116 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2002.

(2) Section 1115 of such title (as added by such subsection) shall take effect on October 1, 2001.

Subtitle C—TRICARE Program

SEC. 721. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment

1 facility in order to receive the services from a civilian
2 provider; or

3 (2) obtain a nonavailability statement for care
4 in specialized treatment facilities outside the 200-
5 mile radius of a military medical treatment facility.

6 (b) NOTICE.—The Secretary may require that the
7 covered beneficiary inform the primary care manager of
8 the beneficiary of any health care received from a civilian
9 provider or in a specialized treatment facility.

10 (c) EXCEPTIONS.—Subsection (a) shall not apply if—

11 (1) the Secretary demonstrates significant costs
12 would be avoided by performing specific procedures
13 at the affected military medical treatment facilities;

14 (2) the Secretary determines that a specific
15 procedure must be provided at the affected military
16 medical treatment facility to ensure the proficiency
17 levels of the practitioners at the facility; or

18 (3) the lack of nonavailability statement data
19 would significantly interfere with TRICARE con-
20 tract administration.

21 (d) EFFECTIVE DATE—This section shall take effect
22 on October 1, 2001.

1 **SEC. 722. ADDITIONAL BENEFICIARIES UNDER TRICARE**
2 **PRIME REMOTE PROGRAM IN THE CONTI-**
3 **NENTAL UNITED STATES.**

4 (a) COVERAGE OF OTHER UNIFORMED SERVICES.—

5 (1) Section 1074(c) of title 10, United States Code, is
6 amended—

7 (A) by striking “armed forces” each place it ap-
8 pears, except in paragraph (3)(A), and inserting
9 “uniformed services”;

10 (B) in paragraph (1), by inserting after “mili-
11 tary department” in the first sentence the following:
12 “, the Department of Transportation (with respect
13 to the Coast Guard when it is not operating as a
14 service in the Navy), or the Department of Health
15 and Human Services (with respect to the National
16 Oceanic and Atmospheric Administration and the
17 Public Health Service)”;

18 (C) in paragraph (2), by adding at the end the
19 following:

20 “(C) The Secretary of Defense shall consult with the
21 other administering Secretaries in the administration of
22 this paragraph.”; and

23 (D) in paragraph (3)(A), by striking “The Sec-
24 retary of Defense may not require a member of the
25 armed forces described in subparagraph (B)” and

1 inserting “A member of the uniformed services de-
2 scribed in subparagraph (B) may not be required”.

3 (2)(A) Subsections (b), (c), and (d)(3) of section 731
4 of the National Defense Authorization Act for Fiscal Year
5 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C.
6 1074 note) are amended by striking “Armed Forces” and
7 inserting “uniformed services”.

8 (B) Subsection (b) of such section is further amended
9 by adding at the end the following:

10 “(4) The Secretary of Defense shall consult with the
11 other administering Secretaries in the administration of
12 this subsection.”.

13 (C) Subsection (f) of such section is amended by add-
14 ing at the end the following:

15 “(3) The terms ‘uniformed services’ and ‘ad-
16 ministering Secretaries’ have the meanings given
17 those terms in section 1072 of title 10, United
18 States Code.”.

19 (3) Section 706(b) of the National Defense Author-
20 ization Act for Fiscal Year 2000 (Public Law 106–65; 113
21 Stat. 684) is amended by striking “Armed Forces” and
22 inserting “uniformed services (as defined in section
23 1072(1) of title 10, United States Code)”.

1 (b) COVERAGE OF IMMEDIATE FAMILY.—(1) Section
2 1079 of title 10, United States Code, is amended by add-
3 ing at the end the following:

4 “(p)(1) Subject to such exceptions as the Secretary
5 of Defense considers necessary, coverage for medical care
6 under this section for the dependents referred to in sub-
7 section (a) of a member of the uniformed services referred
8 to in section 1074(c)(3) of this title who are residing with
9 the member, and standards with respect to timely access
10 to such care, shall be comparable to coverage for medical
11 care and standards for timely access to such care under
12 the managed care option of the TRICARE program known
13 as TRICARE Prime.

14 “(2) The Secretary of Defense shall enter into ar-
15 rangements with contractors under the TRICARE pro-
16 gram or with other appropriate contractors for the timely
17 and efficient processing of claims under this subsection.

18 “(3) The Secretary of Defense shall consult with the
19 other administering Secretaries in the administration of
20 this subsection.”.

21 (2) Section 731(b) of the National Defense Author-
22 ization Act for Fiscal Year 1998 (Public Law 105–85; 111
23 Stat. 1811; 10 U.S.C. 1074 note) is amended—

24 (A) in paragraph (1), by adding at the end the
25 following: “A dependent of the member, as described

1 in subparagraph (A), (D), or (I) of section 1072(2)
2 of title 10, United States Code, who is residing with
3 the member shall have the same entitlement to care
4 and to waiver of charges as the member.”; and

5 (B) in paragraph (2), by inserting “or depend-
6 ent of the member, as the case may be,” after “(2)
7 A member”.

8 (c) EFFECTIVE DATES; APPLICABILITY.—(1) The
9 amendments made by subsections (a)(1) and (b)(1) shall
10 take effect on October 1, 2001.

11 (2) The amendments made by subsection (a)(2), with
12 respect to members of the uniformed services, and the
13 amendments made by subsection (b)(2), with respect to
14 dependents of members, shall take effect on the date of
15 the enactment of this Act and shall expire with respect
16 to a member or the dependents of a member, respectively,
17 on the later of the following:

18 (A) The date that is one year after the date of
19 the enactment of this Act.

20 (B) The date on which the policies required by
21 the amendments made by subsection (a)(1) or (b)(1)
22 are implemented with respect to the coverage of
23 medical care for and provision of such care to the
24 member or dependents, respectively.

1 (3) Section 731(b)(3) of Public Law 105–85 does not
2 apply to a member of the Coast Guard, the National Oce-
3 anic and Atmospheric Administration, or the Commis-
4 sioned Corps of the Public Health Service, or to a depend-
5 ent of a member of a uniformed service.

6 **SEC. 723. MODERNIZATION OF TRICARE BUSINESS PRAC-**
7 **TICES AND INCREASE OF USE OF MILITARY**
8 **TREATMENT FACILITIES.**

9 (a) REQUIREMENT TO IMPLEMENT INTERNET-
10 BASED SYSTEM.—Not later than October 1, 2001, the
11 Secretary of Defense shall implement a system to simplify
12 and make accessible through the use of the Internet,
13 through commercially available systems and products, crit-
14 ical administrative processes within the military health
15 care system and the TRICARE program. The purposes
16 of the system shall be to enhance efficiency, improve serv-
17 ice, and achieve commercially recognized standards of per-
18 formance.

19 (b) ELEMENTS OF SYSTEM.—The system required by
20 subsection (a)—

21 (1) shall comply with patient confidentiality and
22 security requirements, and incorporate data require-
23 ments, that are currently widely used by insurers
24 under medicare and commercial insurers;

1 (2) shall be designed to achieve improvements
2 with respect to—

3 (A) the availability and scheduling of ap-
4 pointments;

5 (B) the filing, processing, and payment of
6 claims;

7 (C) marketing and information initiatives;

8 (D) the continuation of enrollments with-
9 out expiration;

10 (E) the portability of enrollments nation-
11 wide;

12 (F) education of beneficiaries regarding
13 the military health care system and the
14 TRICARE program; and

15 (G) education of health care providers re-
16 garding such system and program; and

17 (3) may be implemented through a contractor
18 under TRICARE Prime.

19 (c) AREAS OF IMPLEMENTATION.—The Secretary
20 shall implement the system required by subsection (a) in
21 at least one region under the TRICARE program.

22 (d) PLAN FOR IMPROVED PORTABILITY OF BENE-
23 FITS.—Not later than March 15, 2001, the Secretary of
24 Defense shall submit to the Committees on Armed Serv-
25 ices of the Senate and the House of Representatives a plan

1 to provide portability and reciprocity of benefits for all en-
2 rollees under the TRICARE program throughout all
3 TRICARE regions.

4 (e) INCREASE OF USE OF MILITARY MEDICAL
5 TREATMENT FACILITIES.—The Secretary shall initiate a
6 program to maximize the use of military medical treat-
7 ment facilities by improving the efficiency of health care
8 operations in such facilities.

9 (f) DEFINITION.—In this section the term
10 “TRICARE program” has the meaning given such term
11 in section 1072 of title 10, United States Code.

12 **SEC. 724. EXTENSION OF TRICARE MANAGED CARE SUP-**
13 **PORT CONTRACTS.**

14 (a) AUTHORITY.—Notwithstanding any other provi-
15 sion of law and subject to subsection (b), any TRICARE
16 managed care support contract in effect, or in the final
17 stages of acquisition, on September 30, 1999, may be ex-
18 tended for four years.

19 (b) CONDITIONS.—Any extension of a contract under
20 subsection (a)—

21 (1) may be made only if the Secretary of De-
22 fense determines that it is in the best interest of the
23 United States to do so; and

24 (2) shall be based on the price in the final best
25 and final offer for the last year of the existing con-

1 tract as adjusted for inflation and other factors mu-
2 tually agreed to by the contractor and the Federal
3 Government.

4 **SEC. 725. REPORT ON PROTECTIONS AGAINST HEALTH**
5 **CARE PROVIDERS SEEKING DIRECT REIM-**
6 **BURSEMENT FROM MEMBERS OF THE UNI-**
7 **FORMED SERVICES.**

8 Not later than January 31, 2001, the Secretary of
9 Defense shall submit to the Committees on Armed Serv-
10 ices of the Senate and the House of Representatives a re-
11 port recommending practices to discourage or prohibit
12 health care providers under the TRICARE program, and
13 individuals or entities working on behalf of such providers,
14 from seeking direct reimbursement from members of the
15 uniformed services or their dependents for health care re-
16 ceived by such members or dependents.

17 **SEC. 726. VOLUNTARY TERMINATION OF ENROLLMENT IN**
18 **TRICARE RETIREE DENTAL PROGRAM.**

19 (a) PROCEDURES.—Section 1076c of title 10, United
20 States Code, is amended—

21 (1) by redesignating subsection (i) as subsection
22 (j); and

23 (2) by inserting after subsection (h) the fol-
24 lowing new subsection (i):

1 “(i) VOLUNTARY DISENROLLMENT.—(1) With re-
2 spect to enrollment in the dental insurance plan estab-
3 lished under subsection (a), the Secretary of Defense—

4 “(A) shall allow for a period of up to 30 days
5 at the beginning of the prescribed minimum enroll-
6 ment period during which an enrollee may disenroll;
7 and

8 “(B) shall provide for limited circumstances
9 under which disenrollment shall be permitted during
10 the prescribed enrollment period, without jeopard-
11 izing the fiscal integrity of the dental program.

12 “(2) The circumstances described in paragraph
13 (1)(B) shall include—

14 “(A) a case in which a retired member, sur-
15 viving spouse, or dependent of a retired member who
16 is also a Federal employee is assigned to a location
17 outside the jurisdiction of the dental insurance plan
18 established under subsection (a) that prevents utili-
19 zation of dental benefits under the plan;

20 “(B) a case in which a retired member, sur-
21 viving spouse, or dependent of a retired member is
22 prevented by a serious medical condition from being
23 able to obtain benefits under the plan;

24 “(C) a case in which severe financial hardship
25 would result; and

1 “(D) any other circumstances which the Sec-
2 retary considers appropriate.

3 “(3) The Secretary shall establish procedures for
4 timely decisions on requests for disenrollment under this
5 section and for appeal to the TRICARE Management Ac-
6 tivity of adverse decisions.”

7 (b) CLARIFYING AMENDMENT.—The heading for
8 subsection (f) is amended by striking “TERMINATION”
9 and inserting “REQUIRED TERMINATIONS”.

10 **SEC. 727. CLAIMS PROCESSING IMPROVEMENTS.**

11 Beginning on the date of the enactment of this Act,
12 the Secretary of Defense shall, to the maximum extent
13 practicable, take all necessary actions to implement the
14 following improvements with respect to processing of
15 claims under the TRICARE program:

16 (1) Use of the TRICARE encounter data infor-
17 mation system rather than the health care service
18 record in maintaining information on covered bene-
19 ficiaries under chapter 55 of title 10, United States
20 Code.

21 (2) Elimination of all delays in payment of
22 claims to health care providers that may result from
23 the development of the health care service record or
24 TRICARE encounter data information.

1 (3) Requiring all health care providers under
2 the TRICARE program that the Secretary deter-
3 mines are high-volume providers to submit claims
4 electronically.

5 (4) Processing 50 percent of all claims by
6 health care providers and institutions under the
7 TRICARE program by electronic means.

8 (5) Authorizing managed care support contrac-
9 tors under the TRICARE program to require pro-
10 viders to access information on the status of claims
11 through the use of telephone automated voice re-
12 sponse units.

13 **SEC. 728. PRIOR AUTHORIZATIONS FOR CERTAIN REFER-**
14 **RALS AND NONAVAILABILITY-OF-HEALTH-**
15 **CARE STATEMENTS.**

16 (a) PROHIBITION REGARDING PRIOR AUTHORIZA-
17 TION FOR REFERRALS.—(1) Chapter 55 of title 10,
18 United States Code, is amended by inserting after section
19 1095e the following new section:

20 **“§ 1095f. TRICARE program: referrals for specialty**
21 **health care**

22 “The Secretary of Defense shall ensure that no con-
23 tract for managed care support under the TRICARE pro-
24 gram includes any requirement that a managed care sup-
25 port contractor require a primary care or specialty care

1 provider to obtain prior authorization before referring a
 2 patient to a specialty care provider that is part of the net-
 3 work of health care providers or institutions of the con-
 4 tractor.”.

5 (2) The table of sections at the beginning of such
 6 chapter is amended by inserting after the item relating
 7 to section 1095e the following new item:

“1095f. TRICARE program: referrals for specialty health care.”.

8 (b) REPORT.—Not later than February 1, 2001, the
 9 Comptroller General shall submit to Congress a report on
 10 the financial and management implications of eliminating
 11 the requirement to obtain nonavailability-of-health-care
 12 statements under section 1080 of title 10, United States
 13 Code.

14 (c) EFFECTIVE DATE.—Section 1095f of title 10,
 15 United States Code, as added by subsection (a), shall
 16 apply with respect to a TRICARE managed care support
 17 contract entered into by the Department of Defense after
 18 the date of the enactment of this Act.

19 **Subtitle D—Demonstration** 20 **Projects**

21 **SEC. 731. DEMONSTRATION PROJECT FOR EXPANDED AC-** 22 **CESS TO MENTAL HEALTH COUNSELORS.**

23 (a) REQUIREMENT TO CONDUCT DEMONSTRATION
 24 PROJECT.—The Secretary of Defense shall conduct a
 25 demonstration project under which licensed and certified

1 professional mental health counselors who meet eligibility
2 requirements for participation as providers under the Ci-
3 vilian Health and Medical Program of the Uniformed
4 Services (hereafter in this section referred to as
5 “CHAMPUS”) or the TRICARE program may provide
6 services to covered beneficiaries under chapter 55 of title
7 10, United States Code, without referral by physicians or
8 adherence to supervision requirements.

9 (b) DURATION AND LOCATION OF PROJECT.—The
10 Secretary shall conduct the demonstration project required
11 by subsection (a)—

12 (1) during the 2-year period beginning October
13 1, 2001; and

14 (2) in one established TRICARE region.

15 (c) REGULATIONS.—The Secretary shall prescribe
16 regulations regarding participation in the demonstration
17 project required by subsection (a).

18 (d) PLAN FOR PROJECT.—Not later than March 31,
19 2001, the Secretary shall submit to the Committees on
20 Armed Services of the Senate and the House of Represent-
21 atives a plan to carry out the demonstration project. The
22 plan shall include, but not be limited to, a description of
23 the following:

24 (1) The TRICARE region in which the project
25 will be conducted.

1 (2) The estimated funds required to carry out
2 the demonstration project.

3 (3) The criteria for determining which profes-
4 sional mental health counselors will be authorized to
5 participate under the demonstration project.

6 (4) The plan of action, including critical mile-
7 stone dates, for carrying out the demonstration
8 project.

9 (e) REPORT.—Not later than February 1, 2003, the
10 Secretary shall submit to Congress a report on the dem-
11 onstration project carried out under this section. The re-
12 port shall include the following:

13 (1) A description of the extent to which expend-
14 itures for reimbursement of licensed or certified pro-
15 fessional mental health counselors change as a result
16 of allowing the independent practice of such coun-
17 selors.

18 (2) Data on utilization and reimbursement re-
19 garding non-physician mental health professionals
20 other than licensed or certified professional mental
21 health counselors under CHAMPUS and the
22 TRICARE program.

23 (3) Data on utilization and reimbursement re-
24 garding physicians who make referrals to, and su-
25 pervise, mental health counselors.

1 (4) A description of the administrative costs in-
2 curred as a result of the requirement for documenta-
3 tion of referral to mental health counselors and su-
4 pervision activities for such counselors.

5 (5) For each of the categories described in
6 paragraphs (1) through (4), a comparison of data
7 for a 1-year period for the area in which the dem-
8 onstration project is being implemented with cor-
9 responding data for a similar area in which the dem-
10 onstration project is not being implemented.

11 (6) A description of the ways in which allowing
12 for independent reimbursement of licensed or cer-
13 tified professional mental health counselors affects
14 the confidentiality of mental health and substance
15 abuse services for covered beneficiaries under
16 CHAMPUS and the TRICARE program.

17 (7) A description of the effect, if any, of chang-
18 ing reimbursement policies on the health and treat-
19 ment of covered beneficiaries under CHAMPUS and
20 the TRICARE program, including a comparison of
21 the treatment outcomes of covered beneficiaries who
22 receive mental health services from licensed or cer-
23 tified professional mental health counselors acting
24 under physician referral and supervision, other non-
25 physician mental health providers recognized under

1 CHAMPUS and the TRICARE program, and physi-
2 cians, with treatment outcomes under the dem-
3 onstration project allowing independent practice of
4 professional counselors on the same basis as other
5 non-physician mental health providers.

6 (8) The effect of policies of the Department of
7 Defense on the willingness of licensed or certified
8 professional mental health counselors to participate
9 as health care providers in CHAMPUS and the
10 TRICARE program.

11 (9) Any policy requests or recommendations re-
12 garding mental health counselors made by health
13 care plans and managed care organizations partici-
14 pating in CHAMPUS or the TRICARE program.

15 **SEC. 732. TELERADIOLOGY DEMONSTRATION PROJECT.**

16 (a) **AUTHORITY TO CONDUCT PROJECT.**—(1) The
17 Secretary of Defense may conduct a demonstration project
18 for the purposes of increasing efficiency of operations with
19 respect to teleradiology at military medical treatment fa-
20 cilities, supporting remote clinics, and increasing coordina-
21 tion with respect to teleradiology between such facilities
22 and clinics. Under the project, a military medical treat-
23 ment facility and each clinic supported by such facility
24 shall be linked by a digital radiology network through

1 which digital radiology X-rays may be sent electronically
2 from clinics to the military medical treatment facility.

3 (2) The demonstration project may be conducted at
4 several multispecialty tertiary-care military medical treat-
5 ment facilities affiliated with a university medical school.
6 One of such facilities shall be supported by at least 5 geo-
7 graphically dispersed remote clinics of the Departments
8 of the Army, Navy, and Air Force, and clinics of the De-
9 partment of Veterans Affairs and the Coast Guard. An-
10 other of such facilities shall be in an underserved rural
11 geographic region served under established telemedicine
12 contracts between the Department of Defense, the Depart-
13 ment of Veterans Affairs, and a local university.

14 (b) DURATION OF PROJECT.—The Secretary shall
15 conduct the project during the 2-year period beginning on
16 the date of the enactment of this Act.

17 **SEC. 733. HEALTH CARE MANAGEMENT DEMONSTRATION**
18 **PROGRAM.**

19 (a) ESTABLISHMENT.—The Secretary of Defense
20 shall carry out a demonstration program on health care
21 management to explore opportunities for improving the
22 planning, programming, budgeting systems, and manage-
23 ment of the Department of Defense health care system.

1 (b) TEST MODELS.—Under the demonstration pro-
2 gram, the Secretary shall test the use of the following
3 planning and management models:

4 (1) A health care simulation model for studying
5 alternative delivery policies, processes, organizations,
6 and technologies.

7 (2) A health care simulation model for studying
8 long term disease management.

9 (c) DEMONSTRATION SITES.—The Secretary shall
10 test each model separately at one or more sites.

11 (d) PERIOD FOR PROGRAM.—The demonstration pro-
12 gram shall begin not later than 180 days after the date
13 of the enactment of this Act and shall terminate on De-
14 cember 31, 2001.

15 (e) REPORTS.—The Secretary of Defense shall sub-
16 mit a report on the demonstration program to the Com-
17 mittees on Armed Services of the Senate and the House
18 of Representatives not later than March 15, 2002. The
19 report shall include the Secretary's assessment of the
20 value of incorporating the use of the tested planning and
21 management models throughout the planning, program-
22 ming, budgeting systems, and management of the Depart-
23 ment of Defense health care system.

24 (f) FUNDING.—Of the amount authorized to be ap-
25 propriated under section 301(22), \$6,000,000 shall be

1 available for the demonstration program under this sec-
2 tion.

3 **Subtitle E—Joint Initiatives With**
4 **Department of Veterans Affairs**

5 **SEC. 741. VA-DOD SHARING AGREEMENTS FOR HEALTH**
6 **SERVICES.**

7 (a) PRIMACY OF SHARING AGREEMENTS.—The Sec-
8 retary of Defense shall—

9 (1) give full force and effect to any agreement
10 into which the Secretary or the Secretary of a mili-
11 tary department entered under section 8111 of title
12 38, United States Code, or under section 1535 of
13 title 31, United States Code, which was in effect on
14 September 30, 1999; and

15 (2) ensure that the Secretary of the military de-
16 partment concerned directly reimburses the Sec-
17 retary of Veterans Affairs for any services or re-
18 sources provided under such agreement in accord-
19 ance with the terms of such agreement, including
20 terms providing for reimbursement from funds avail-
21 able for that military department.

22 (b) MODIFICATION OR TERMINATION.—Any agree-
23 ment described in subsection (a) shall remain in effect in
24 accordance with such subsection unless, during the 12-
25 month period following the date of the enactment of this

1 Act, such agreement is modified or terminated in accord-
2 ance with the terms of such agreement.

3 **SEC. 742. PROCESSES FOR PATIENT SAFETY IN MILITARY**
4 **AND VETERANS HEALTH CARE SYSTEMS.**

5 (a) ERROR TRACKING PROCESS.—The Secretary of
6 Defense shall implement a centralized process for report-
7 ing, compilation, and analysis of errors in the provision
8 of health care under the defense health program that en-
9 danger patients beyond the normal risks associated with
10 the care and treatment of such patients. To the extent
11 practicable, that process shall emulate the system estab-
12 lished by the Secretary of Veterans Affairs for reporting,
13 compilation, and analysis of errors in the provision of
14 health care under the Department of Veterans Affairs
15 health care system that endanger patients beyond such
16 risks.

17 (b) SHARING OF INFORMATION.—The Secretary of
18 Defense and the Secretary of Veterans Affairs—

19 (1) shall share information regarding the de-
20 signs of systems or protocols established to reduce
21 errors in the provision of health care described in
22 subsection (a); and

23 (2) shall develop such protocols as the Secre-
24 taries consider necessary for the establishment and

1 administration of effective processes for the report-
2 ing, compilation, and analysis of such errors.

3 **SEC. 743. COOPERATION IN DEVELOPING PHARMA-**
4 **CEUTICAL IDENTIFICATION TECHNOLOGY.**

5 The Secretary of Defense and the Secretary of Vet-
6 erans Affairs shall cooperate in developing systems for the
7 use of bar codes for the identification of pharmaceuticals
8 in the health care programs of the Department of Defense
9 and the Department of Veterans Affairs. In any case in
10 which a common pharmaceutical is used in such programs,
11 the bar codes for those pharmaceuticals shall, to the max-
12 imum extent practicable, be identical.

13 **Subtitle F—Other Matters**

14 **SEC. 751. MANAGEMENT OF ANTHRAX VACCINE IMMUNIZA-**
15 **TION PROGRAM.**

16 (a) SYSTEM AND PROCEDURES FOR TRACKING SEPA-
17 RATIONS.—(1) Chapter 59 of title 10, United States Code,
18 is amended by adding at the end the following new section:

19 **“§ 1178. System and procedures for tracking separa-**
20 **tions resulting from refusal to participate**
21 **in anthrax vaccine immunization pro-**
22 **gram**

23 **“(a) REQUIREMENT TO ESTABLISH SYSTEM.—**The
24 Secretary of each military department shall establish a
25 system for tracking, recording, and reporting separations

1 of members of the armed forces under the Secretary's ju-
2 risdiction that result from procedures initiated as a result
3 of a refusal to participate in the anthrax vaccine immuni-
4 zation program.

5 “(b) REPORT.—The Secretary of Defense shall con-
6 solidate the information recorded under the system de-
7 scribed in subsection (a) and shall submit to the Commit-
8 tees on Armed Services of the Senate and the House of
9 Representatives not later than April 1 of each year a re-
10 port on such information. Each such report shall include
11 a description of—

12 “(1) the number of members separated, cat-
13 egorized by military department, grade, and active-
14 duty or reserve status; and

15 “(2) any other information determined appro-
16 priate by the Secretary.”.

17 (2) The table of sections at the beginning of such
18 chapter is amended by adding at the end the following
19 new item:

“1178. System and procedures for tracking separations resulting from refusal
to participate in anthrax vaccine immunization program.”.

20 (b) PROCEDURES FOR EXEMPTIONS; MONITORING
21 ADVERSE REACTIONS.—(1) Chapter 55 of such title is
22 amended by adding at the end the following new section:

1 **“§ 1110. Anthrax vaccine immunization program; pro-**
2 **cedures for exemptions and monitoring**
3 **reactions**

4 “(a) PROCEDURES FOR MEDICAL AND ADMINISTRA-
5 TIVE EXEMPTIONS.—(1) The Secretary of Defense shall
6 establish uniform procedures under which members of the
7 armed forces may be exempted from participating in the
8 anthrax vaccine immunization program for either adminis-
9 trative or medical reasons.

10 “(2) The Secretaries of the military departments
11 shall provide for notification of all members of the armed
12 forces of the procedures established pursuant to para-
13 graph (1).

14 “(b) SYSTEM FOR MONITORING ADVERSE REAC-
15 TIONS.—(1) The Secretary shall establish a system for
16 monitoring adverse reactions of members of the armed
17 forces to the anthrax vaccine. That system shall include
18 the following:

19 “(A) Independent review of Vaccine Adverse
20 Event Reporting System reports.

21 “(B) Periodic surveys of personnel to whom the
22 vaccine is administered.

23 “(C) A continuing longitudinal study of a pre-
24 identified group of members of the armed forces (in-
25 cluding men and women and members from all serv-
26 ices).

1 “(D) Active surveillance of a sample of mem-
2 bers to whom the anthrax vaccine has been adminis-
3 tered that is sufficient to identify, at the earliest op-
4 portunity, any patterns of adverse reactions, the dis-
5 covery of which might be delayed by reliance solely
6 on the Vaccine Adverse Event Reporting System.

7 “(2) The Secretary may extend or expand any ongo-
8 ing or planned study or analysis of trends in adverse reac-
9 tions of members of the armed forces to the anthrax vac-
10 cine in order to meet any of the requirements in paragraph
11 (1).

12 “(3) The Secretary shall establish guidelines under
13 which members of the armed forces who are determined
14 by an independent expert panel to be experiencing unex-
15 plained adverse reactions may obtain access to a Depart-
16 ment of Defense Center of Excellence treatment facility
17 for expedited treatment and follow up.”.

18 (2) The table of sections at the beginning of such
19 chapter is amended by adding at the end the following
20 new item:

 “1110. Anthrax vaccine immunization program; procedures for exemptions and
 monitoring reactions.”.

21 (c) EMERGENCY ESSENTIAL EMPLOYEES.—(1)
22 Chapter 81 of such title is amended by inserting after sec-
23 tion 1580 the following new section:

1 **“§ 1580a. Emergency essential employees: notification**
 2 **of required participation in anthrax vac-**
 3 **cine immunization program**

4 “The Secretary of Defense shall—

5 “(1) prescribe regulations for the purpose of en-
 6 suring that any civilian employee of the Department
 7 of Defense who is determined to be an emergency es-
 8 sential employee and who is required to participate
 9 in the anthrax vaccine immunization program is no-
 10 tified of the requirement to participate in the pro-
 11 gram and the consequences of a decision not to par-
 12 ticipate; and

13 “(2) ensure that any individual who is being
 14 considered for a position as such an employee is no-
 15 tified of the obligation to participate in the program
 16 before being offered employment in such position.”.

17 (2) The table of sections at the beginning of such
 18 chapter is amended by inserting after the item relating
 19 to section 1580 the following new item:

“1580a. Emergency essential employees: notification of required participation in
 anthrax vaccine immunization program.”.

20 (d) COMPTROLLER GENERAL REPORT.—(1) Not
 21 later than April 1, 2002, the Comptroller General shall
 22 submit to the Committees on Armed Services of the Sen-
 23 ate and the House of Representatives a report on the ef-
 24 fect of the Department of Defense anthrax vaccine immu-

1 nization program on the recruitment and retention of ac-
2 tive duty and reserve military personnel and civilian per-
3 sonnel of the Department of Defense. The study shall
4 cover the period beginning on the date of the enactment
5 of this Act and ending on December 31, 2001.

6 (2) The Comptroller General shall include in the re-
7 port required by paragraph (1) a description of any per-
8 sonnel actions (including transfer, termination, or reas-
9 signment of any personnel) taken as a result of the refusal
10 of any civilian employee of the Department of Defense to
11 participate in the anthrax vaccine immunization program.

12 (e) DEADLINES FOR ESTABLISHMENT AND IMPLE-
13 MENTATION.—The Secretary of Defense shall—

14 (1) not later than April 1, 2001, establish the
15 uniform procedures for exemption from participation
16 in the anthrax vaccine immunization program of the
17 Department of Defense required under subsection
18 (a) of section 1110 of title 10, United States Code
19 (as added by subsection (b));

20 (2) not later than July 1, 2001, establish the
21 system for monitoring adverse reactions of members
22 of the Armed Forces to the anthrax vaccine required
23 under subsection (b)(1) of such section;

24 (3) not later than April 1, 2001, establish the
25 guidelines under which members of the Armed

1 Forces may obtain access to a Department of De-
2 fense Center of Excellence treatment facility for ex-
3 pedited treatment and follow up required under sub-
4 section (b)(3) of such section; and

5 (4) not later than July 1, 2001, prescribe the
6 regulations regarding emergency essential employees
7 of the Department of Defense required under sub-
8 section (a) of section 1580a of such title (as added
9 by subsection(c)).

10 **SEC. 752. ELIMINATION OF COPAYMENTS FOR IMMEDIATE**
11 **FAMILY.**

12 (a) NO COPAYMENT FOR IMMEDIATE FAMILY.—Sec-
13 tion 1097a of title 10, United States Code, is amended—

14 (1) by redesignating subsection (e) as sub-
15 section (f); and

16 (2) by inserting after subsection (d) the fol-
17 lowing new subsection (e):

18 “(e) NO COPAYMENT FOR IMMEDIATE FAMILY.—No
19 copayment shall be charged a member for care provided
20 under TRICARE Prime to a dependent of a member of
21 the uniformed services described in subparagraph (A),
22 (D), or (I) of section 1072 of this title.”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 subsection (a) shall take effect 180 days after the date

1 of the enactment of this Act, and shall apply with respect
2 to care provided on or after that date.

3 **SEC. 753. MEDICAL INFORMATICS.**

4 (a) ADDITIONAL MATTERS FOR ANNUAL REPORT ON
5 MEDICAL INFORMATICS ADVISORY COMMITTEE.—Section
6 723(d)(5) of the National Defense Authorization Act for
7 Fiscal Year 2000 (Public Law 106–65; 113 Stat. 697; 10
8 U.S.C. 1071 note) is amended to read as follows:

9 “(5) The Secretary of Defense shall submit to Con-
10 gress an annual report on medical informatics. The report
11 shall include a discussion of the following matters:

12 “(A) The activities of the Committee.

13 “(B) The coordination of development, deploy-
14 ment, and maintenance of health care informatics
15 systems within the Federal Government, and be-
16 tween the Federal Government and the private sec-
17 tor.

18 “(C) The progress or growth occurring in med-
19 ical informatics.

20 “(D) How the TRICARE program and the De-
21 partment of Veterans Affairs health care system can
22 use the advancement of knowledge in medical
23 informatics to raise the standards of health care and
24 treatment and the expectations for improving health
25 care and treatment.”.

1 (b) LIMITATION ON FISCAL YEAR 2001 FUNDING
2 FOR PHARMACEUTICALS-RELATED MEDICAL
3 INFORMATICS.—Of the funds authorized to be appro-
4 priated under section 301(22), any amounts used for
5 pharmaceuticals-related informatics may be used only for
6 the following:

7 (1) Commencement of the implementation of a
8 new computerized medical record, including an auto-
9 mated entry order system for pharmaceuticals and
10 an infrastructure network that is compliant with the
11 provisions enacted in the Health Insurance Port-
12 ability and Accountability Act of 1996 (Public Law
13 104–191; 110 Stat. 1936), to make all relevant clin-
14 ical information on beneficiaries under the Defense
15 Health Program available when needed.

16 (2) An integrated pharmacy system under the
17 Defense Health Program that creates a single profile
18 for all pharmaceuticals for such beneficiaries pre-
19 scribed at military medical treatment facilities or
20 private pharmacies that are part of the Department
21 of Defense pharmacy network.

1 **SEC. 754. PATIENT CARE REPORTING AND MANAGEMENT**
2 **SYSTEM.**

3 (a) ESTABLISHMENT.—The Secretary of Defense
4 shall establish a patient care error reporting and manage-
5 ment system.

6 (b) PURPOSES OF SYSTEM.—The purposes of the sys-
7 tem are as follows:

8 (1) To study the occurrences of errors in the
9 patient care provided under chapter 55 of title 10,
10 United States Code.

11 (2) To identify the systemic factors that are as-
12 sociated with such occurrences.

13 (3) To provide for action to be taken to correct
14 the identified systemic factors.

15 (c) REQUIREMENTS FOR SYSTEM.—The patient care
16 error reporting and management system shall include the
17 following:

18 (1) A hospital-level patient safety center, within
19 the quality assurance department of each health care
20 organization of the Department of Defense, to col-
21 lect, assess, and report on the nature and frequency
22 of errors related to patient care.

23 (2) For each health care organization of the
24 Department of Defense and for the entire Defense
25 health program, patient safety standards that are
26 necessary for the development of a full under-

1 standing of patient safety issues in each such orga-
2 nization and the entire program, including the na-
3 ture and types of errors and the systemic causes of
4 the errors.

5 (3) Establishment of a Department of Defense
6 Patient Safety Center within the Armed Forces In-
7 stitute of Pathology, which shall have the following
8 missions:

9 (A) To analyze information on patient care
10 errors that is submitted to the Center by each
11 military health care organization.

12 (B) To develop action plans for addressing
13 patterns of patient care errors.

14 (C) To execute those action plans to miti-
15 gate and control errors in patient care with a
16 goal of ensuring that the health care organiza-
17 tions of the Department of Defense provide
18 highly reliable patient care with virtually no
19 error.

20 (D) To provide, through the Assistant Sec-
21 retary of Defense for Health Affairs, to the
22 Agency for Healthcare Research and Quality of
23 the Department of Health and Human Services
24 any reports that the Assistant Secretary deter-
25 mines appropriate.

1 (E) To review and integrate processes for
2 reducing errors associated with patient care and
3 for enhancing patient safety.

4 (F) To contract with a qualified and objec-
5 tive external organization to manage the na-
6 tional patient safety database of the Depart-
7 ment of Defense.

8 (d) MEDTEAMS PROGRAM.—The Secretary shall ex-
9 pand the health care team coordination program to inte-
10 grate that program into all Department of Defense health
11 care operations. In carrying out this subsection, the Sec-
12 retary shall take the following actions:

13 (1) Establish not less than two Centers of Ex-
14 cellence for the development, validation, prolifera-
15 tion, and sustainment of the health care team co-
16 ordination program, one of which shall support all
17 fixed military health care organizations, the other of
18 which shall support all combat casualty care organi-
19 zations.

20 (2) Deploy the program to all fixed and combat
21 casualty care organizations of each of the Armed
22 Forces, at the rate of not less than 10 organizations
23 in each fiscal year.

24 (3) Expand the scope of the health care team
25 coordination program from a focus on emergency de-

1 partment care to a coverage that includes care in all
2 major medical specialties, at the rate of not less
3 than one specialty in each fiscal year.

4 (4) Continue research and development invest-
5 ments to improve communication, coordination, and
6 team work in the provision of health care.

7 (e) CONSULTATION.—The Secretary shall consult
8 with the other administering Secretaries (as defined in
9 section 1072(3) of title 10, United States Code) in car-
10 rying out this section.

11 **SEC. 755. AUGMENTATION OF ARMY MEDICAL DEPART-**
12 **MENT BY DETAILING RESERVE OFFICERS OF**
13 **THE PUBLIC HEALTH SERVICE.**

14 (a) AUTHORITY.—The Secretary of the Army and the
15 Secretary of Health and Human Services may jointly con-
16 duct a program to augment the Army Medical Department
17 by exercising any authorities provided to those officials in
18 law for the detailing of reserve commissioned officers of
19 the Public Health Service not in an active status to the
20 Army Medical Department for that purpose.

21 (b) AGREEMENT.—The Secretary of the Army and
22 the Secretary of Health and Human Services shall enter
23 into an agreement governing any program conducted
24 under subsection (a).

1 (c) ASSESSMENT.—(1) The Secretary of the Army
2 shall review the laws providing the authorities described
3 in subsection (a) and assess the adequacy of those laws
4 for authorizing—

5 (A) the Secretary of Health and Human Serv-
6 ices to detail reserve commissioned officers of the
7 Public Health Service not in an active status to the
8 Army Medical Department to augment that depart-
9 ment; and

10 (B) the Secretary of the Army to accept the de-
11 tail of such officers for that purpose.

12 (2) The Secretary shall complete the review and as-
13 sessment under paragraph (1) not later than 90 days after
14 the date of the enactment of this Act.

15 (d) REPORT TO CONGRESS.—Not later than March
16 1, 2001, the Secretary of the Army shall submit a report
17 on the results of the review and assessment under sub-
18 section (c) to the Committees on Armed Services of the
19 Senate and the House of Representatives. The report shall
20 include the following:

21 (1) The findings resulting from the review and
22 assessment.

23 (2) Any proposal for legislation that the Sec-
24 retary recommends to strengthen the authority of
25 the Secretary of Health and Human Services and

1 the authority of the Secretary of the Army to take
2 the actions described in subparagraphs (A) and (B),
3 respectively, of subsection (c)(1).

4 (e) CONSULTATION REQUIREMENT.—The Secretary
5 of the Army shall consult with the Secretary of Health
6 and Human Services in carrying out the review and as-
7 sessment under subsection (c) and in preparing the report
8 (including making recommendations) under subsection
9 (d).

10 **SEC. 756. PRIVACY OF DEPARTMENT OF DEFENSE MEDICAL**
11 **RECORDS.**

12 (a) COMPREHENSIVE PLAN.—Not later than April 1,
13 2001, the Secretary of Defense shall submit to Congress
14 a comprehensive plan to improve privacy protections for
15 medical records maintained by the Department of De-
16 fense. Such plan shall be consistent with the regulations
17 promulgated under section 264(c) of the Health Insurance
18 Portability and Accountability Act of 1996 (Public Law
19 104–191; 42 U.S.C. 1320d–2 note).

20 (b) INTERIM REGULATIONS.—(1) Notwithstanding
21 any other provision of law, the Secretary shall prescribe
22 interim regulations, pending full implementation of the
23 comprehensive plan described in subsection (a), to improve
24 privacy protections for medical records maintained by the
25 Department of Defense.

1 (2) The regulations prescribed under paragraph (1)
2 shall provide maximum protections for privacy consistent
3 with such actions that the Secretary determines are nec-
4 essary for purposes of national security, law enforcement,
5 patient treatment, public health reporting, accreditation
6 and licensure review activities, external peer review and
7 other quality assurance program activities, payment for
8 health care services, fraud and abuse prevention, judicial
9 and administrative proceedings, research consistent with
10 regulations on Governmentwide protection of human sub-
11 jects, Department of Veterans Affairs benefit programs,
12 and any other purposes identified by the Secretary for the
13 responsible management of the military health care sys-
14 tem.

15 **SEC. 757. AUTHORITY TO ESTABLISH SPECIAL LOCALITY-**
16 **BASED REIMBURSEMENT RATES; REPORTS.**

17 (a) IN GENERAL.—Section 1079(h) of title 10,
18 United States Code, is amended by adding at the end the
19 following new paragraph:

20 “(5) To assure access to care for all covered bene-
21 ficiaries, the Secretary of Defense, in consultation with the
22 other administering Secretaries, shall designate specific
23 rates for reimbursement for services in certain localities
24 if the Secretary determines that without payment of such
25 rates access to health care services would be severely im-

1 paired. Such a determination shall be based on consider-
2 ation of the number of providers in a locality who provide
3 the services, the number of such providers who are
4 CHAMPUS participating providers, the number of cov-
5 ered beneficiaries under CHAMPUS in the locality, the
6 availability of military providers in the location or a near-
7 by location, and any other factors determined to be rel-
8 evant by the Secretary.”.

9 (b) REPORTS.—(1) Not later than March 31, 2001,
10 the Secretary of Defense shall submit to the Committees
11 on Armed Services of the Senate and the House of Rep-
12 resentatives and the General Accounting Office a report
13 on actions taken to carry out section 1079(h)(5) of title
14 10, United States Code (as added by subsection (a)) and
15 section 1097b of such title.

16 (2) Not later than May 1, 2001, the Comptroller Gen-
17 eral shall submit to Congress a report analyzing the utility
18 of—

19 (A) increased reimbursement authorities with
20 respect to ensuring the availability of network pro-
21 viders and nonnetwork providers under the
22 TRICARE program to covered beneficiaries under
23 chapter 55 of such title; and

24 (B) requiring a reimbursement limitation of 70
25 percent of usual and customary rates rather than

1 115 percent of maximum allowable charges under
2 the Civilian Health and Medical Program of the
3 Uniformed Services.

4 (3)(A) Not later than 180 days after the date of the
5 enactment of this Act, the Secretary of Defense shall sub-
6 mit to the Committees on Armed Services of the Senate
7 and the House of Representatives a report on the extent
8 to which physicians are choosing not to participate in con-
9 tracts for the furnishing of health care in rural States
10 under chapter 55 of title 10, United States Code. The re-
11 port shall include the following:

12 (i) The number of physicians in rural States
13 who are withdrawing from participation, or other-
14 wise refusing to participate, in the health care con-
15 tracts.

16 (ii) The reasons for the withdrawals and refus-
17 als.

18 (iii) The actions that the Secretary of Defense
19 can take to encourage more physicians to participate
20 in the health care contracts.

21 (iv) Any recommendations for legislation that
22 the Secretary considers necessary to encourage more
23 physicians to participate in the health care con-
24 tracts.

1 (B) In this paragraph, the term “rural State” means
 2 a State that has, on average, as determined by the Bureau
 3 of the Census in the latest decennial census—

- 4 (i) fewer than 76 residents per square mile; and
 5 (ii) fewer than 211 actively practicing physi-
 6 cians (not counting physicians employed by the
 7 United States) per 100,000 residents.

8 **SEC. 758. REIMBURSEMENT FOR CERTAIN TRAVEL EX-**
 9 **PENSES.**

10 (a) IN GENERAL.—Chapter 55 of title 10, United
 11 States Code, is amended by inserting after section 1074h
 12 (as added by section 706) the following new section:

13 **“§ 1074i. Reimbursement for certain travel expenses**

14 “In any case in which a covered beneficiary is re-
 15 ferred by a primary care physician to a specialty care pro-
 16 vider who provides services more than 100 miles from the
 17 location in which the primary care provider provides serv-
 18 ices to the covered beneficiary, the Secretary shall provide
 19 reimbursement for reasonable travel expenses for the cov-
 20 ered beneficiary.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
 22 at the beginning of such chapter is amended by inserting
 23 after the item relating to section 1074g the following new
 24 item:

“1074i. Reimbursement for certain travel expenses.”.

1 **SEC. 759. REDUCTION OF CAP ON PAYMENTS.**

2 Section 1086(b)(4) of title 10, United States Code,
3 is amended by striking “\$7,500” and inserting “\$3,000”.

4 **SEC. 760. TRAINING IN HEALTH CARE MANAGEMENT AND**
5 **ADMINISTRATION.**

6 (a) EXPANSION OF PROGRAM.—Section 715(a) of the
7 National Defense Authorization Act for Fiscal Year 1996
8 (Public Law 104–106; 110 Stat 375; 10 U.S.C. 1073
9 note) is amended—

10 (1) in the matter preceding paragraph (1), by
11 striking “Not later than six months after the date
12 of the enactment of this Act, the” and inserting
13 “The”;

14 (2) in paragraph (1)—

15 (A) by inserting “, deputy commander, and
16 managed care coordinator” after “commander”;
17 and

18 (B) by inserting “, and any other person,”
19 after “Defense”; and

20 (3) by amending subsection (b) to read as fol-
21 lows:

22 “(b) LIMITATION ON ASSIGNMENT UNTIL COMPLE-
23 TION OF TRAINING.—No person may be assigned as the
24 commander, deputy commander, or managed care coordi-
25 nator of a military medical treatment facility or as a
26 TRICARE lead agent or senior member of the staff of

1 a TRICARE lead agent office until the Secretary of the
2 military department concerned submits a certification to
3 the Secretary of Defense that such person has completed
4 the training described in subsection (a).”.

5 (b) REPORT REQUIREMENT.—(1) Not later than 18
6 months after the date of the enactment of this Act, the
7 Secretary of Defense shall submit to Congress a report
8 on progress in meeting the requirements of section 715
9 of such Act (as amended by subsection (a)) by imple-
10 menting a professional educational program to provide ap-
11 propriate training in health care management and admin-
12 istration.

13 (2) The report required by paragraph (1) shall in-
14 clude the following:

15 (A) A survey of professional civilian certifi-
16 cations and credentials which demonstrate achieve-
17 ment of the requirements of such section.

18 (B) A description of the continuing education
19 activities required to obtain initial certification and
20 periodic required recertification.

21 (C) A description of the prominence of such
22 credentials or certifications among senior civilian
23 health care executives.

24 (c) APPLICABILITY.—The amendments made by sub-
25 section (a) to section 715 of such Act—

1 (1) shall apply to a deputy commander, a man-
2 aged care coordinator of a military medical treat-
3 ment facility, or a lead agent for coordinating the
4 delivery of health care by military and civilian pro-
5 viders under the TRICARE program, who is as-
6 signed to such position on or after the date that is
7 one year after the date of the enactment of this Act;
8 and

9 (2) may apply, in the discretion of the Sec-
10 retary of Defense, to a deputy commander, a man-
11 aged care coordinator of such a facility, or a lead
12 agent for coordinating the delivery of such health
13 care, who is assigned to such position before the
14 date that is one year after the date of the enactment
15 of this Act.

16 **SEC. 761. STUDIES ON FEASIBILITY OF SHARING BIO-**
17 **MEDICAL RESEARCH FACILITY.**

18 (a) STUDIES REQUIRED.—(1) The Secretary of the
19 Army shall conduct a study on the feasibility of the Tripler
20 Army Medical Center, Hawaii, sharing a biomedical re-
21 search facility with the Department of Veterans Affairs
22 and the School of Medicine at the University of Hawaii
23 for the purpose of making more efficient use of funding
24 for biomedical research.

1 (2) The Secretary of the Air Force shall conduct a
2 study on the feasibility of the Little Rock Medical Facility,
3 Arkansas, sharing a biomedical research facility with the
4 Department of Veterans Affairs and the School of Medi-
5 cine at the University of Arkansas for the purpose of mak-
6 ing more efficient use of funding for biomedical research.

7 (3) The biomedical research facilities described in
8 paragraphs (1) and (2) would include a clinical research
9 center and facilities for educational, academic, and labora-
10 tory research.

11 (b) REPORTS.—Not later than March 1, 2001—

12 (1) the Secretary of the Army shall submit to
13 the Committees on Armed Services of the House of
14 Representatives and the Senate a report on the
15 study conducted under subsection (a)(1); and

16 (2) the Secretary of the Air Force shall submit
17 to such committees a report on the study conducted
18 under subsection (a)(2).

19 **SEC. 762. STUDY ON COMPARABILITY OF COVERAGE FOR**
20 **PHYSICAL, SPEECH, AND OCCUPATIONAL**
21 **THERAPIES.**

22 (a) STUDY REQUIRED.—The Secretary of Defense
23 shall conduct a study comparing coverage and reimburse-
24 ment for covered beneficiaries under chapter 55 of title
25 10, United States Code, for physical, speech, and occupa-

1 tional therapies under the TRICARE program and the Ci-
 2 vilian Health and Medical Program of the Uniformed
 3 Services to coverage and reimbursement for such therapies
 4 by insurers under Medicare and the Federal Employees
 5 Health Benefits Program. The study shall examine the fol-
 6 lowing:

7 (1) Types of services covered.

8 (2) Whether prior authorization is required to
 9 receive such services.

10 (3) Reimbursement limits for services covered.

11 (4) Whether services are covered on both an in-
 12 patient and outpatient basis.

13 (b) REPORT.—Not later than March 31, 2001, the
 14 Secretary shall submit a report on the findings of the
 15 study conducted under this section to the Committees on
 16 Armed Services of the Senate and the House of Represent-
 17 atives.

18 **TITLE VIII—ACQUISITION POL-** 19 **ICY, ACQUISITION MANAGE-** 20 **MENT, AND RELATED MAT-** 21 **TERS**

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 801. Department of Defense acquisition pilot programs.

Sec. 802. Multiyear services contracts.

Sec. 803. Clarification and extension of authority to carry out certain prototype
 projects.

Sec. 804. Clarification of authority of Comptroller General to review records of
 participants in certain prototype projects.

- Sec. 805. Extension of time period of limitation on procurement of ball bearings and roller bearings.
- Sec. 806. Reporting requirements relating to multiyear contracts.
- Sec. 807. Eligibility of small business concerns owned and controlled by women for assistance under the mentor-protege program.
- Sec. 808. Qualifications required for employment and assignment in contracting positions.
- Sec. 809. Revision of authority for solutions-based contracting pilot program.
- Sec. 810. Procurement notice of contracting opportunities through electronic means.

Subtitle B—Information Technology

- Sec. 811. Acquisition and management of information technology.
- Sec. 812. Tracking and management of information technology purchases.
- Sec. 813. Appropriate use of requirements regarding experience and education of contractor personnel in the procurement of information technology services.
- Sec. 814. Navy-Marine Corps Intranet.
- Sec. 815. Sense of Congress regarding information technology systems for Guard and Reserve components.

Subtitle C—Other Acquisition-Related Matters

- Sec. 821. Improvements in procurements of services.
- Sec. 822. Financial analysis of use of dual rates for quantifying overhead costs at Army ammunition plants.
- Sec. 823. Repeal of prohibition on use of Department of Defense funds for procurement of nuclear-capable shipyard crane from a foreign source.
- Sec. 824. Extension of waiver period for live-fire survivability testing for MH-47E and MH-60K helicopter modification programs.
- Sec. 825. Compliance with existing law regarding purchases of equipment and products.
- Sec. 826. Requirement to disregard certain agreements in awarding contracts for the purchase of firearms or ammunition.

Subtitle D—Studies and Reports

- Sec. 831. Study on impact of foreign sourcing of systems on long-term military readiness and related industrial infrastructure.
- Sec. 832. Study of policies and procedures for transfer of commercial activities.
- Sec. 833. Study and report on practice of contract bundling in military construction contracts.
- Sec. 834. Requirement to conduct study on contract bundling.

1 **Subtitle A—Amendments to Gen-**
2 **eral Contracting Authorities,**
3 **Procedures, and Limitations**

4 **SEC. 801. DEPARTMENT OF DEFENSE ACQUISITION PILOT**
5 **PROGRAMS.**

6 (a) EXTENSION OF AUTHORITY.—Section 5064(d)(2)
7 of the Federal Acquisition Streamlining Act of 1994 (Pub-
8 lic Law 103–355; 108 Stat. 3361; 10 U.S.C. 2430 note)
9 is amended by striking “45 days after the date of the en-
10 actment of this Act and ends on September 30, 1998”
11 and inserting “on October 13, 1994, and ends on October
12 1, 2007”.

13 (b) EXPANSION OF JDAM PROGRAM.—Section
14 5064(a)(2) of such Act is amended by striking “1000-
15 pound and 2000-pound bombs” and inserting “500-pound,
16 1000-pound, and 2000-pound bombs”.

17 (c) REPORT REQUIRED.—(1) Not later than January
18 1, 2001, the Secretary of Defense shall submit to the
19 Committees on Armed Services of the House of Represent-
20 atives and the Senate a report on the acquisition pilot pro-
21 grams of the Department of Defense. The report shall de-
22 scribe, for each acquisition program identified in section
23 5064(a) of the Federal Acquisition Streamlining Act of
24 1994, the following:

1 (A) Each quantitative measure and goal estab-
2 lished for each item described in paragraph (2),
3 which of such goals have been achieved, and the ex-
4 tent to which the use of the authorities in section
5 809 of the National Defense Authorization Act for
6 Fiscal Year 1991 (Public Law 101–510; 10 U.S.C.
7 2430 note) and section 5064 of the Federal Acquisi-
8 tion Streamlining Act of 1994 was a factor in
9 achieving each of such goals.

10 (B) Recommended revisions to statutes or the
11 Federal Acquisition Regulation as a result of partici-
12 pation in the pilot program.

13 (C) Any innovative business practices developed
14 as a result of participation in the pilot program,
15 whether such business practices could be applied to
16 other acquisition programs, and any impediments to
17 application of such practices to other programs.

18 (D) Technological changes to the program, and
19 to what extent those changes affected the items in
20 paragraph (2).

21 (E) Any other information determined appro-
22 priate by the Secretary.

23 (2) The items under this paragraph are, with respect
24 to defense acquisition programs, the following:

25 (A) The acquisition management costs.

1 (B) The unit cost of the items procured.

2 (C) The acquisition cycle.

3 (D) The total cost of carrying out the contract.

4 (E) Staffing necessary to carry out the pro-
5 gram.

6 **SEC. 802. MULTIYEAR SERVICES CONTRACTS.**

7 (a) IN GENERAL.—(1) Chapter 137 of title 10,
8 United States Code, is amended by inserting after section
9 2306b the following:

10 **“§ 2306c. Multiyear contracts: acquisition of services**

11 “(a) AUTHORITY.—Subject to subsections (d) and
12 (e), the head of an agency may enter into contracts for
13 periods of not more than five years for services described
14 in subsection (b), and for items of supply related to such
15 services, for which funds would otherwise be available for
16 obligation only within the fiscal year for which appro-
17 priated whenever the head of the agency finds that—

18 “(1) there will be a continuing requirement for
19 the services consonant with current plans for the
20 proposed contract period;

21 “(2) the furnishing of such services will require
22 a substantial initial investment in plant or equip-
23 ment, or the incurrence of substantial contingent li-
24 abilities for the assembly, training, or transportation
25 of a specialized work force; and

1 “(3) the use of such a contract will promote the
2 best interests of the United States by encouraging
3 effective competition and promoting economies in op-
4 eration.

5 “(b) COVERED SERVICES.—The authority under sub-
6 section (a) applies to the following types of services:

7 “(1) Operation, maintenance, and support of
8 facilities and installations.

9 “(2) Maintenance or modification of aircraft,
10 ships, vehicles, and other highly complex military
11 equipment.

12 “(3) Specialized training necessitating high
13 quality instructor skills (for example, pilot and air
14 crew members; foreign language training).

15 “(4) Base services (for example, ground mainte-
16 nance; in-plane refueling; bus transportation; refuse
17 collection and disposal).

18 “(c) APPLICABLE PRINCIPLES.—In entering into
19 multiyear contracts for services under the authority of this
20 section, the head of the agency shall be guided by the fol-
21 lowing principles:

22 “(1) The portion of the cost of any plant or
23 equipment amortized as a cost of contract perform-
24 ance should not exceed the ratio between the period
25 of contract performance and the anticipated useful

1 commercial life of such plant or equipment. Useful
2 commercial life, for this purpose, means the com-
3 mercial utility of the facilities rather than the phys-
4 ical life thereof, with due consideration given to such
5 factors as location of facilities, specialized nature
6 thereof, and obsolescence.

7 “(2) Consideration shall be given to the desir-
8 ability of obtaining an option to renew the contract
9 for a reasonable period not to exceed three years, at
10 prices not to include charges for plant, equipment
11 and other nonrecurring costs, already amortized.

12 “(3) Consideration shall be given to the desir-
13 ability of reserving in the agency the right, upon
14 payment of the unamortized portion of the cost of
15 the plant or equipment, to take title thereto under
16 appropriate circumstances.

17 “(d) RESTRICTIONS APPLICABLE GENERALLY.—(1)
18 The head of an agency may not initiate under this section
19 a contract for services that includes an unfunded contin-
20 gent liability in excess of \$20,000,000 unless the commit-
21 tees of Congress named in paragraph (5) are notified of
22 the proposed contract at least 30 days in advance of the
23 award of the proposed contract.

24 “(2) The head of an agency may not initiate a
25 multiyear contract for services under this section if the

1 value of the multiyear contract would exceed
2 \$500,000,000 unless authority for the contract is specifi-
3 cally provided by law.

4 “(3) The head of an agency may not terminate a
5 multiyear procurement contract for services until 10 days
6 after the date on which notice of the proposed termination
7 is provided to the committees of Congress named in para-
8 graph (5).

9 “(4) Before any contract described in subsection (a)
10 that contains a clause setting forth a cancellation ceiling
11 in excess of \$100,000,000 may be awarded, the head of
12 the agency concerned shall give written notification of the
13 proposed contract and of the proposed cancellation ceiling
14 for that contract to the committees of Congress named
15 in paragraph (5), and such contract may not then be
16 awarded until the end of a period of 30 days beginning
17 on the date of such notification.

18 “(5) The committees of Congress referred to in para-
19 graphs (1), (3), and (4) are as follows:

20 “(A) The Committee on Armed Services and
21 the Committee on Appropriations of the Senate.

22 “(B) The Committee on Armed Services and
23 the Committee on Appropriations of the House of
24 Representatives.

1 “(e) CANCELLATION OR TERMINATION FOR INSUFFI-
2 CIENT FUNDING AFTER FIRST YEAR.—In the event that
3 funds are not made available for the continuation of a
4 multiyear contract for services into a subsequent fiscal
5 year, the contract shall be canceled or terminated, and the
6 costs of cancellation or termination may be paid from—

7 “(1) appropriations originally available for the
8 performance of the contract concerned;

9 “(2) appropriations currently available for pro-
10 curement of the type of services concerned, and not
11 otherwise obligated; or

12 “(3) funds appropriated for those payments.

13 “(f) MULTIYEAR CONTRACT DEFINED.—For the
14 purposes of this section, a multiyear contract is a contract
15 for the purchase of services for more than one, but not
16 more than five, program years. Such a contract may pro-
17 vide that performance under the contract during the sec-
18 ond and subsequent years of the contract is contingent
19 upon the appropriation of funds and (if it does so provide)
20 may provide for a cancellation payment to be made to the
21 contractor if such appropriations are not made.”.

22 (2) The table of sections at the beginning of such
23 chapter is amended by inserting after the item relating
24 to section 2306b the following:

“2306c. Multiyear contracts: acquisition of services.”.

1 (b) REFERENCE TO RELOCATED AUTHORITY.—Sub-
2 section (g) of section 2306 of such title is amended to read
3 as follows:

4 “(g) Multiyear contracting authority for the acqui-
5 sition of services is provided in section 2306c of this title.”.

6 (c) CONFORMING AMENDMENT.—Section 2306b(k)
7 of title 10, United States Code, is amended by striking
8 “or services”.

9 (d) APPLICABILITY.—Section 2306c of title 10,
10 United States Code (as added by subsection (a)), shall
11 apply with respect to contracts for which solicitations of
12 offers are issued after the date of the enactment of this
13 Act.

14 **SEC. 803. CLARIFICATION AND EXTENSION OF AUTHORITY**
15 **TO CARRY OUT CERTAIN PROTOTYPE**
16 **PROJECTS.**

17 (a) AMENDMENTS TO AUTHORITY.—Section 845 of
18 the National Defense Authorization Act for Fiscal Year
19 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is
20 amended—

21 (1) by redesignating subsection (d) as sub-
22 section (f); and

23 (2) by inserting after subsection (c) the fol-
24 lowing new subsections:

1 “(d) APPROPRIATE USE OF AUTHORITY.—(1) The
2 Secretary of Defense shall ensure that no official of an
3 agency enters into a transaction (other than a contract,
4 grant, or cooperative agreement) for a prototype project
5 under the authority of this section unless—

6 “(A) there is at least one nontraditional defense
7 contractor participating to a significant extent in the
8 prototype project; or

9 “(B) no nontraditional defense contractor is
10 participating to a significant extent in the prototype
11 project, but at least one of the following cir-
12 cumstances exists:

13 “(i) At least one third of the total cost of
14 the prototype project is to be paid out of funds
15 provided by parties to the transaction other
16 than the Federal Government.

17 “(ii) The senior procurement executive for
18 the agency (as designated for the purposes of
19 section 16(3) of the Office of Federal Procure-
20 ment Policy Act (41 U.S.C. 414(3)) determines
21 in writing that exceptional circumstances justify
22 the use of a transaction that provides for inno-
23 vative business arrangements or structures that
24 would not be feasible or appropriate under a
25 contract.

1 “(2)(A) Except as provided in subparagraph (B), the
2 amounts counted for the purposes of this subsection as
3 being provided, or to be provided, by a party to a trans-
4 action with respect to a prototype project that is entered
5 into under this section other than the Federal Government
6 do not include costs that were incurred before the date
7 on which the transaction becomes effective.

8 “(B) Costs that were incurred for a prototype project
9 by a party after the beginning of negotiations resulting
10 in a transaction (other than a contract, grant, or coopera-
11 tive agreement) with respect to the project before the date
12 on which the transaction becomes effective may be counted
13 for purposes of this subsection as being provided, or to
14 be provided, by the party to the transaction if and to the
15 extent that the official responsible for entering into the
16 transaction determines in writing that—

17 “(i) the party incurred the costs in anticipation
18 of entering into the transaction; and

19 “(ii) it was appropriate for the party to incur
20 the costs before the transaction became effective in
21 order to ensure the successful implementation of the
22 transaction.

23 “(e) NONTRADITIONAL DEFENSE CONTRACTOR DE-
24 FINED.—In this section, the term ‘nontraditional defense
25 contractor’ means an entity that has not, for a period of

1 at least one year prior to the date that a transaction (other
 2 than a contract, grant, or cooperative agreement) for a
 3 prototype project under the authority of this section is en-
 4 tered into, entered into or performed with respect to—

5 “(1) any contract that is subject to full cov-
 6 erage under the cost accounting standards pre-
 7 scribed pursuant to section 26 of the Office of Fed-
 8 eral Procurement Policy Act (41 U.S.C. 422) and
 9 the regulations implementing such section; or

10 “(2) any other contract in excess of \$500,000
 11 to carry out prototype projects or to perform basic,
 12 applied, or advanced research projects for a Federal
 13 agency, that is subject to the Federal Acquisition
 14 Regulation.”.

15 (b) EXTENSION OF AUTHORITY.—Subsection (f) of
 16 such section, as redesignated by subsection (a)(1), is
 17 amended by striking “September 30, 2001” and inserting
 18 “September 30, 2004”.

19 **SEC. 804. CLARIFICATION OF AUTHORITY OF COMP-**
 20 **TROLLER GENERAL TO REVIEW RECORDS OF**
 21 **PARTICIPANTS IN CERTAIN PROTOTYPE**
 22 **PROJECTS.**

23 (a) COMPTROLLER GENERAL REVIEW.—Section
 24 845(c) of the National Defense Authorization Act for Fis-
 25 cal Year 1994 (10 U.S.C. 2371 note) is amended—

1 (1) by redesignating paragraphs (3) and (4) as
2 paragraphs (4) and (5), respectively; and

3 (2) by inserting after paragraph (2) the fol-
4 lowing new paragraph (3):

5 “(3)(A) The right provided to the Comptroller Gen-
6 eral in a clause of an agreement under paragraph (1) is
7 limited as provided in subparagraph (B) in the case of
8 a party to the agreement, an entity that participates in
9 the performance of the agreement, or a subordinate ele-
10 ment of that party or entity if the only agreements or
11 other transactions that the party, entity, or subordinate
12 element entered into with Government entities in the year
13 prior to the date of that agreement are cooperative agree-
14 ments or transactions that were entered into under this
15 section or section 2371 of title 10, United States Code.

16 “(B) The only records of a party, other entity, or sub-
17 ordinate element referred to in subparagraph (A) that the
18 Comptroller General may examine in the exercise of the
19 right referred to in that subparagraph are records of the
20 same type as the records that the Government has had
21 the right to examine under the audit access clauses of the
22 previous agreements or transactions referred to in such
23 subparagraph that were entered into by that particular
24 party, entity, or subordinate element.”.

1 **SEC. 805. EXTENSION OF TIME PERIOD OF LIMITATION ON**
2 **PROCUREMENT OF BALL BEARINGS AND**
3 **ROLLER BEARINGS.**

4 Section 2534(c)(3) of title 10, United States Code,
5 is amended by striking “October 1, 2000” and inserting
6 “October 1, 2005”.

7 **SEC. 806. REPORTING REQUIREMENTS RELATING TO**
8 **MULTIYEAR CONTRACTS.**

9 Section 2306b(l) of title 10, United States Code, is
10 amended—

11 (1) in paragraph (4)—

12 (A) in the matter preceding subparagraph
13 (A), by striking “The head of an agency” and
14 all that follows through “following information”
15 and inserting “Not later than the date of the
16 submission of the President’s budget request
17 under section 1105 of title 31, the Secretary of
18 Defense shall submit a report to the congressional
19 defense committees each year, providing
20 the following information with respect to each
21 multiyear contract (and each extension of an
22 existing multiyear contract) entered into, or
23 planned to be entered into, by the head of an
24 agency during the current or preceding year”;
25 and

1 (B) in subparagraph (B), by striking “in
 2 effect immediately before the contract (or con-
 3 tract extension) is entered into” and inserting
 4 “in effect at the time the report is submitted”;
 5 (2) by redesignating paragraphs (5) through
 6 (9) as paragraphs (6) through (10), respectively;
 7 and

8 (3) by inserting after paragraph (4) the fol-
 9 lowing new paragraph (5):

10 “(5) The head of an agency may not enter into a
 11 multiyear contract (or extend an existing multiyear con-
 12 tract), the value of which would exceed \$500,000,000
 13 (when entered into or when extended, as the case may be),
 14 until the Secretary of Defense submits to the congres-
 15 sional defense committees a report containing the informa-
 16 tion described in paragraph (4) with respect to the con-
 17 tract (or contract extension).”.

18 **SEC. 807. ELIGIBILITY OF SMALL BUSINESS CONCERNS**
 19 **OWNED AND CONTROLLED BY WOMEN FOR**
 20 **ASSISTANCE UNDER THE MENTOR-PROTEGE**
 21 **PROGRAM.**

22 Section 831(m)(2) of the National Defense Author-
 23 ization Act for Fiscal Year 1991 (Public Law 101–510;
 24 10 U.S.C. 2302 note) is amended—

1 (1) by striking “or” at the end of subparagraph
 2 (C);

3 (2) by striking the period at the end of sub-
 4 paragraph (D) and inserting “; or”; and

5 (3) by adding at the end the following:

6 “(E) a small business concern owned and
 7 controlled by women, as defined in section
 8 8(d)(3)(D) of the Small Business Act (15
 9 U.S.C. 637(d)(3)(D)).”.

10 **SEC. 808. QUALIFICATIONS REQUIRED FOR EMPLOYMENT**
 11 **AND ASSIGNMENT IN CONTRACTING POSI-**
 12 **TIONS.**

13 (a) **APPLICABILITY OF REQUIREMENTS TO MEMBERS**
 14 **OF THE ARMED FORCES.**—Section 1724 of title 10,
 15 United States Code, is amended in the first sentence of
 16 subsection (d)—

17 (1) by striking “employee of” and inserting
 18 “employee or member of”; and

19 (2) by striking “employee possesses” and in-
 20 serting “employee or member possesses”.

21 (b) **MANDATORY ACADEMIC QUALIFICATIONS.**—(1)
 22 Subsection (a)(3) of such section is amended—

23 (A) by inserting “and” before “(B)”; and

24 (B) by striking “, or (C)” and all that follows
 25 through “listed in subparagraph (B)”.

1 (2) Subsection (b) of such section is amended to read
2 as follows:

3 “(b) GS-1102 SERIES POSITIONS AND SIMILAR
4 MILITARY POSITIONS.—The Secretary of Defense shall re-
5 quire that a person meet the requirements set forth in
6 paragraph (3) of subsection (a), but not the other require-
7 ments set forth in that subsection, in order to qualify to
8 serve in a position in the Department of Defense in—

9 “(1) the GS-1102 occupational series; or

10 “(2) a similar occupational specialty if the posi-
11 tion is to be filled by a member of the armed
12 forces.”.

13 (c) EXCEPTION.—Subsection (c) of such section is
14 amended to read as follows:

15 “(c) EXCEPTION.—The requirements imposed under
16 subsection (a) or (b) shall not apply to a person for the
17 purpose of qualifying to serve in a position in which the
18 person is serving on September 30, 2000.”.

19 (d) DELETION OF UNNECESSARY CROSS REF-
20 ERENCES.—Subsection (a) of such section is amended by
21 striking “(except as provided in subsections (c) and (d))”
22 in the matter preceding paragraph (1).

23 (e) EFFECTIVE DATE.—This section, and the amend-
24 ments made by this section, shall take effect on October

1 1, 2000, and shall apply to appointments and assignments
2 to contracting positions made on or after that date.

3 **SEC. 809. REVISION OF AUTHORITY FOR SOLUTIONS-BASED**
4 **CONTRACTING PILOT PROGRAM.**

5 (a) PILOT PROJECTS UNDER THE PROGRAM.—Sec-
6 tion 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C.
7 1492) is amended—

8 (1) in subsection (a), by striking “subsection
9 (d)(2)” and inserting “subsection (d)”; and

10 (2) by striking subsection (d) and inserting the
11 following:

12 “(d) PILOT PROGRAM PROJECTS.—The Adminis-
13 trator shall authorize to be carried out under the pilot
14 program—

15 “(1) not more than 10 projects, each of which
16 has an estimated cost of at least \$25,000,000 and
17 not more than \$100,000,000; and

18 “(2) not more than 10 projects for small busi-
19 ness concerns, each of which has an estimated cost
20 of at least \$1,000,000 and not more than
21 \$5,000,000.”.

22 (b) ELIMINATION OF REQUIREMENT FOR FEDERAL
23 FUNDING OF PROGRAM DEFINITION PHASE.—Subsection
24 (c)(9)(B) of such section is amended by striking “program
25 definition phase (funded, in the case of the source ulti-

1 mately awarded the contract, by the Federal Govern-
 2 ment)—” and inserting “program definition phase—”.

3 **SEC. 810. PROCUREMENT NOTICE OF CONTRACTING OP-**
 4 **PORTUNITIES THROUGH ELECTRONIC**
 5 **MEANS.**

6 (a) PUBLICATION BY ELECTRONIC MEANS.—Sub-
 7 section (a) of section 18 of the Office of Federal Procure-
 8 ment Policy Act (41 U.S.C. 416) is amended—

9 (1) in paragraph (1)(A), by striking “furnish
 10 for publication by the Secretary of Commerce” and
 11 inserting “publish”;

12 (2) by striking paragraph (2) and inserting the
 13 following:

14 “(2)(A) A notice of solicitation required to be pub-
 15 lished under paragraph (1) may be published—

16 “(i) by electronic means that meets the require-
 17 ments for accessibility under paragraph (7); or

18 “(ii) by the Secretary of Commerce in the Com-
 19 merce Business Daily.

20 “(B) The Secretary of Commerce shall promptly pub-
 21 lish in the Commerce Business Daily each notice or an-
 22 nouncement received under this subsection for publication
 23 by that means.”; and

24 (3) by adding at the end the following:

1 “(7) A publication of a notice of solicitation by elec-
2 tronic means meets the requirements for accessibility
3 under this paragraph if the notice is electronically acces-
4 sible in a form that allows convenient and universal user
5 access through the single Government-wide point of entry
6 designated in the Federal Acquisition Regulation.”.

7 (b) WAITING PERIOD FOR ISSUANCE OF SOLICITA-
8 TION.—Paragraph (3) of such subsection is amended—

9 (1) in the matter preceding subparagraph (A),
10 by striking “furnish a notice to the Secretary of
11 Commerce” and inserting “publish a notice of solici-
12 tation”; and

13 (2) in subparagraph (A), by striking “by the
14 Secretary of Commerce”.

15 (c) CONFORMING AMENDMENTS TO SMALL BUSI-
16 NESS ACT.—Subsection (e) of section 8 of the Small Busi-
17 ness Act (15 U.S.C. 637) is amended—

18 (1) in paragraph (1)(A), by striking “furnish
19 for publication by the Secretary of Commerce” and
20 inserting “publish”;

21 (2) by striking paragraph (2) and inserting the
22 following:

23 “(2)(A) A notice of solicitation required to be pub-
24 lished under paragraph (1) may be published—

1 “(i) by electronic means that meet the accessi-
 2 bility requirements under section 18(a)(7) of the Of-
 3 fice of Federal Procurement Policy Act (41 U.S.C.
 4 416(a)(7)); or

5 “(ii) by the Secretary of Commerce in the Com-
 6 merce Business Daily.

7 “(B) The Secretary of Commerce shall promptly pub-
 8 lish in the Commerce Business Daily each notice or an-
 9 nouncement received under this subsection for publication
 10 by that means.”; and

11 (3) in paragraph (3)—

12 (A) in the matter preceding subparagraph
 13 (A), by striking “furnish a notice to the Sec-
 14 retary of Commerce” and inserting “publish a
 15 notice of solicitation”; and

16 (B) in subparagraph (A), by striking “by
 17 the Secretary of Commerce”.

18 (d) PERIODIC REPORTS ON IMPLEMENTATION OF
 19 ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.—
 20 Section 30(e) of the Office of Federal Procurement Policy
 21 Act (41 U.S.C. 426(e)) is amended—

22 (1) in the first sentence, by striking “Not later
 23 than March 1, 1998, and every year afterward
 24 through 2003” and inserting “Not later than March
 25 1 of each even-numbered year through 2004”; and

1 (2) in paragraph (4)—

2 (A) by striking “Beginning with the report
3 submitted on March 1, 1999, an” and inserting
4 “An”; and

5 (B) by striking “calendar year” and insert-
6 ing “two fiscal years”.

7 (e) EFFECTIVE DATE; APPLICABILITY.—The amend-
8 ments made by this section shall take effect on October
9 1, 2000. The amendments made by subsections (a), (b),
10 and (c) shall apply with respect to solicitations issued on
11 or after that date.

12 **Subtitle B—Information** 13 **Technology**

14 **SEC. 811. ACQUISITION AND MANAGEMENT OF INFORMA-** 15 **TION TECHNOLOGY.**

16 (a) RESPONSIBILITY OF DOD CHIEF INFORMATION
17 OFFICER RELATING TO MISSION CRITICAL AND MISSION
18 ESSENTIAL INFORMATION TECHNOLOGY SYSTEMS.—Sec-
19 tion 2223(a) of title 10, United States Code, is amended—

20 (1) by striking “and” at the end of paragraph
21 (3);

22 (2) by striking the period at the end of para-
23 graph (4) and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(5) maintain a consolidated inventory of De-
2 partment of Defense mission critical and mission es-
3 sential information systems, identify interfaces be-
4 tween those systems and other information systems,
5 and develop and maintain contingency plans for re-
6 sponding to a disruption in the operation of any of
7 those information systems.”.

8 (b) MINIMUM PLANNING REQUIREMENTS FOR THE
9 ACQUISITION OF INFORMATION TECHNOLOGY SYS-
10 TEMS.—(1) Not later than 60 days after the date of the
11 enactment of this Act, Department of Defense Directive
12 5000.1 shall be revised to establish minimum planning re-
13 quirements for the acquisition of information technology
14 systems.

15 (2) The revised directive required by (1) shall—

16 (A) include definitions of the terms “mission
17 critical information system” and “mission essential
18 information system”;

19 (B) prohibit the award of any contract for the
20 acquisition of a mission critical or mission essential
21 information technology system until—

22 (i) the system has been registered with the
23 Chief Information Officer of the Department of
24 Defense;

1 (ii) the Chief Information Officer has re-
2 ceived all information on the system that is re-
3 quired under the directive to be provided to
4 that official; and

5 (iii) the Chief Information Officer has de-
6 termined that there is in place for the system
7 an appropriate information assurance strategy;
8 and

9 (C) require that, in the case of each system reg-
10 istered pursuant to subparagraph (B)(i), the infor-
11 mation required under subparagraph (B)(ii) to be
12 submitted as part of the registration shall be up-
13 dated on not less than a quarterly basis.

14 (c) MILESTONE APPROVAL FOR MAJOR AUTOMATED
15 INFORMATION SYSTEMS.—The revised directive required
16 by subsection (b) shall prohibit Milestone I approval, Mile-
17 stone II approval, or Milestone III approval (or the equiva-
18 lent) of a major automated information system within the
19 Department of Defense until the Chief Information Offi-
20 cer has determined that—

21 (1) the system is being developed in accordance
22 with the requirements of division E of the Clinger-
23 Cohen Act of 1996 (40 U.S.C. 1401 et seq.);

24 (2) appropriate actions have been taken with
25 respect to the system in the areas of business proc-

1 ess reengineering, analysis of alternatives, economic
2 analysis, and performance measures; and

3 (3) the system has been registered as described
4 in subsection (b)(2)(B).

5 (d) NOTICE OF REDESIGNATION OF SYSTEMS.—(1)

6 Whenever during fiscal year 2001, 2002, or 2003 the
7 Chief Information Officer designates a system previously
8 designated as a major automated information system to
9 be in a designation category other than a major automated
10 information system, the Chief Information Officer shall
11 notify the congressional defense committees of that des-
12 ignation. The notice shall be provided not later than 30
13 days after the date of that designation. Any such notice
14 shall include the rationale for the decision to make the
15 designation and a description of the program management
16 oversight that will be implemented for the system so des-
17 ignated.

18 (2) Not later than 60 days after the date of the enact-
19 ment of this Act, the Chief Information Officer shall sub-
20 mit to the congressional defense committees a report
21 specifying each information system of the Department of
22 Defense previously designated as a major automated infor-
23 mation system that is currently designated in a designa-
24 tion category other than a major automated information
25 system including designation as a “special interest major

1 technology initiative''. The report shall include for each
2 such system the information specified in the third sentence
3 of paragraph (1).

4 (e) ANNUAL IMPLEMENTATION REPORT.—(1) The
5 Secretary of Defense shall submit to the congressional de-
6 fense committees, not later than April 1 of each of fiscal
7 years 2001, 2002, and 2003, a report on the implementa-
8 tion of the requirements of this section during the pre-
9 ceding fiscal year.

10 (2) The report for a fiscal year under paragraph (1)
11 shall include, at a minimum, for each major automated
12 information system that was approved during such pre-
13 ceding fiscal year under Department of Defense Directive
14 5000.1 (as revised pursuant to subsection (b)), the fol-
15 lowing:

16 (A) The funding baseline.

17 (B) The milestone schedule.

18 (C) The actions that have been taken to ensure
19 compliance with the requirements of this section and
20 the directive.

21 (3) The first report shall include, in addition to the
22 information required by paragraph (2), an explanation of
23 the manner in which the responsible officials within the
24 Department of Defense have addressed, or intend to ad-
25 dress, the following acquisition issues for each major auto-

1 mated information system planned to be acquired after
2 that fiscal year:

3 (A) Requirements definition.

4 (B) Presentation of a business case analysis, in-
5 cluding an analysis of alternatives and a calculation
6 of return on investment.

7 (C) Performance measurement.

8 (D) Test and evaluation.

9 (E) Interoperability.

10 (F) Cost, schedule, and performance baselines.

11 (G) Information assurance.

12 (H) Incremental fielding and implementation.

13 (I) Risk mitigation.

14 (J) The role of integrated product teams.

15 (K) Issues arising from implementation of the
16 Command, Control, Communications, Computers,
17 Intelligence, Surveillance, and Reconnaissance Plan
18 required by Department of Defense Directive 5000.1
19 and Chairman of the Joint Chiefs of Staff Instruc-
20 tion 3170.01.

21 (L) Oversight, including the Chief Information
22 Officer's oversight of decision reviews.

23 (f) DEFINITIONS.—In this section:

24 (1) The term “Chief Information Officer”
25 means the senior official of the Department of De-

1 fense designated by the Secretary of Defense pursu-
2 ant to section 3506 of title 44, United States Code.

3 (2) The term “information technology system”
4 has the meaning given the term “information tech-
5 nology” in section 5002 of the Clinger-Cohen Act of
6 1996 (40 U.S.C. 1401).

7 (3) The term “major automated information
8 system” has the meaning given that term in Depart-
9 ment of Defense Directive 5000.1.

10 **SEC. 812. TRACKING AND MANAGEMENT OF INFORMATION**
11 **TECHNOLOGY PURCHASES.**

12 (a) IN GENERAL.—(1) Chapter 131 of title 10,
13 United States Code, is amended by adding at the end the
14 following new section:

15 **“§ 2225. Information technology purchases: tracking**
16 **and management**

17 “(a) COLLECTION OF DATA REQUIRED.—To improve
18 tracking and management of information technology prod-
19 ucts and services by the Department of Defense, the Sec-
20 retary of Defense shall provide for the collection of the
21 data described in subsection (b) for each purchase of such
22 products or services made by a military department or De-
23 fense Agency in excess of the simplified acquisition thresh-
24 old, regardless of whether such a purchase is made in the
25 form of a contract, task order, delivery order, military

1 interdepartmental purchase request, or any other form of
2 interagency agreement.

3 “(b) DATA TO BE COLLECTED.—The data required
4 to be collected under subsection (a) includes the following:

5 “(1) The products or services purchased.

6 “(2) Whether the products or services are cat-
7 egorized as commercially available off-the-shelf
8 items, other commercial items, nondevelopmental
9 items other than commercial items, other non-
10 commercial items, or services.

11 “(3) The total dollar amount of the purchase.

12 “(4) The form of contracting action used to
13 make the purchase.

14 “(5) In the case of a purchase made through an
15 agency other than the Department of Defense—

16 “(A) the agency through which the pur-
17 chase is made; and

18 “(B) the reasons for making the purchase
19 through that agency.

20 “(6) The type of pricing used to make the pur-
21 chase (whether fixed price or another type of pric-
22 ing).

23 “(7) The extent of competition provided in
24 making the purchase.

1 “(8) A statement regarding whether the pur-
2 chase was made from—

3 “(A) a small business concern;

4 “(B) a small business concern owned and
5 controlled by socially and economically dis-
6 advantaged individuals; or

7 “(C) a small business concern owned and
8 controlled by women.

9 “(9) A statement regarding whether the pur-
10 chase was made in compliance with the planning re-
11 quirements under sections 5122 and 5123 of the
12 Clinger-Cohen Act of 1996 (40 U.S.C. 1422, 1423).

13 “(c) RESPONSIBILITY TO ENSURE FAIRNESS OF
14 CERTAIN PRICES.—The head of each contracting activity
15 in the Department of Defense shall have responsibility for
16 ensuring the fairness and reasonableness of unit prices
17 paid by the contracting activity for information technology
18 products and services that are frequently purchased com-
19 mercially available off-the-shelf items.

20 “(d) LIMITATION ON CERTAIN PURCHASES.—No
21 purchase of information technology products or services
22 in excess of the simplified acquisition threshold shall be
23 made for the Department of Defense from a Federal agen-
24 cy outside the Department of Defense unless—

1 “(1) the purchase data is collected in accord-
2 ance with subsection (a); or

3 “(2)(A) in the case of a purchase by a Defense
4 Agency, the purchase is approved by the Under Sec-
5 retary of Defense for Acquisition, Technology, and
6 Logistics; or

7 “(B) in the case of a purchase by a military de-
8 partment, the purchase is approved by the senior
9 procurement executive of the military department.

10 “(e) ANNUAL REPORT.—Not later than March 15 of
11 each year, the Secretary of Defense shall submit to the
12 Committees on Armed Services of the Senate and the
13 House of Representatives a report containing a summary
14 of the data collected in accordance with subsection (a).

15 “(f) DEFINITIONS.—In this section:

16 “(1) The term ‘senior procurement executive’,
17 with respect to a military department, means the of-
18 ficial designated as the senior procurement executive
19 for the military department for the purposes of sec-
20 tion 16(3) of the Office of Federal Procurement Pol-
21 icy Act (41 U.S.C. 414(3)).

22 “(2) The term ‘simplified acquisition threshold’
23 has the meaning given the term in section 4(11) of
24 the Office of Federal Procurement Policy Act (41
25 U.S.C. 403(11)).

1 “(3) The term ‘small business concern’ means
2 a business concern that meets the applicable size
3 standards prescribed pursuant to section 3(a) of the
4 Small Business Act (15 U.S.C. 632(a)).

5 “(4) The term ‘small business concern owned
6 and controlled by socially and economically disadvan-
7 taged individuals’ has the meaning given that term
8 in section 8(d)(3)(C) of the Small Business Act (15
9 U.S.C. 637(d)(3)(C)).

10 “(5) The term ‘small business concern owned
11 and controlled by women’ has the meaning given
12 that term in section 8(d)(3)(D) of the Small Busi-
13 ness Act (15 U.S.C. 637(d)(3)(D)).”.

14 (2) The table of sections at the beginning of such
15 chapter is amended by adding at the end the following:
 “2225. Information technology purchases: tracking and management.”.

16 (b) TIME FOR IMPLEMENTATION; APPLICABILITY.—

17 (1) The Secretary of Defense shall collect data as required
18 under section 2225 of title 10, United States Code (as
19 added by subsection (a)) for all contractual actions cov-
20 ered by such section entered into on or after the date that
21 is one year after the date of the enactment of this Act.

22 (2) Subsection (d) of such section shall apply with
23 respect to purchases described in that subsection for which
24 solicitations of offers are issued on or after the date that
25 is one year after the date of the enactment of this Act.

1 (c) GAO REPORT.—Not later than 15 months after
2 the date of the enactment of this Act, the Comptroller
3 General shall submit to the congressional defense commit-
4 tees a report on the collection of data under such section
5 2225. The report shall include the Comptroller General’s
6 assessment of the extent to which the collection of data
7 meets the requirements of that section.

8 **SEC. 813. APPROPRIATE USE OF REQUIREMENTS REGARD-**
9 **ING EXPERIENCE AND EDUCATION OF CON-**
10 **TRACTOR PERSONNEL IN THE PROCURE-**
11 **MENT OF INFORMATION TECHNOLOGY SERV-**
12 **ICES.**

13 (a) AMENDMENT OF THE FEDERAL ACQUISITION
14 REGULATION.—Not later than 180 days after the date of
15 the enactment of this Act, the Federal Acquisition Regula-
16 tion issued in accordance with sections 6 and 25 of the
17 Office of Federal Procurement Policy Act (41 U.S.C. 405
18 and 421) shall be amended to address the use, in the pro-
19 curement of information technology services, of require-
20 ments regarding the experience and education of con-
21 tractor personnel.

22 (b) CONTENT OF AMENDMENT.—The amendment
23 issued pursuant to subsection (a) shall, at a minimum,
24 provide that solicitations for the procurement of informa-
25 tion technology services shall not set forth any minimum

1 experience or educational requirement for proposed con-
2 tractor personnel in order for a bidder to be eligible for
3 award of a contract unless—

4 (1) the contracting officer first determines that
5 the needs of the executive agency cannot be met
6 without any such requirement; or

7 (2) the needs of the executive agency require
8 the use of a type of contract other than a perform-
9 ance-based contract.

10 (c) GAO REPORT.—Not later than one year after the
11 date on which the regulations required by subsection (a)
12 are published in the Federal Register, the Comptroller
13 General shall submit to Congress an evaluation of—

14 (1) executive agency compliance with the regu-
15 lations; and

16 (2) conformance of the regulations with existing
17 law, together with any recommendations that the
18 Comptroller General considers appropriate.

19 (d) DEFINITIONS.—In this section:

20 (1) The term “executive agency” has the mean-
21 ing given that term in section 4(1) of the Office of
22 Federal Procurement Policy Act (41 U.S.C. 403(1)).

23 (2) The term “information technology” has the
24 meaning given that term in section 5002(3) of the
25 Clinger-Cohen Act of 1996 (40 U.S.C. 1401(3)).

1 (3) The term “performance-based”, with re-
2 spect to a contract, means that the contract includes
3 the use of performance work statements that set
4 forth contract requirements in clear, specific, and
5 objective terms with measurable outcomes.

6 **SEC. 814. NAVY-MARINE CORPS INTRANET.**

7 (a) LIMITATION.—None of the funds authorized to
8 be appropriated for the Department of the Navy may be
9 obligated or expended to carry out a Navy-Marine Corps
10 Intranet contract before—

11 (1) the Comptroller of the Department of De-
12 fense and the Director of the Office of Management
13 and Budget—

14 (A) have reviewed—

15 (i) the Report to Congress on the
16 Navy-Marine Corps Intranet submitted by
17 the Department of the Navy on June 30,
18 2000; and

19 (ii) the Business Case Analysis Sup-
20 plement for the Report to Congress on the
21 Navy-Marine Corps Intranet submitted by
22 the Department of the Navy on July 15,
23 2000; and

1 (B) have provided their written comments
2 to the Secretary of the Navy and the Chief of
3 Naval Operations; and

4 (2) the Secretary of the Navy and the Chief of
5 Naval Operations have submitted to Congress a joint
6 certification that they have reviewed the business
7 case for the contract and the comments provided by
8 the Comptroller of the Department of Defense and
9 the Director of the Office of Management and Budget
10 and that they have determined that the implemen-
11 tation of the contract is in the best interest of the
12 Department of the Navy.

13 (b) PHASED IMPLEMENTATION—(1) Upon the sub-
14 mission of the certification under subsection (a)(2), the
15 Secretary of the Navy may commence a phased implemen-
16 tation of a Navy-Marine Corps Intranet contract.

17 (2) Not more than 15 percent of the total number
18 of work stations to be provided under the Navy-Marine
19 Corps Intranet program may be provided in the first incre-
20 ment of implementation of the Navy-Marine Corps
21 Intranet contract.

22 (3) No work stations in excess of the number per-
23 mitted by paragraph (2) may be provided under the pro-
24 gram until—

1 (A) the Secretary of the Navy has conducted
2 operational testing and cost review of the increment
3 covered by that paragraph;

4 (B) the Chief Information Officer of the De-
5 partment of Defense has certified to the Secretary of
6 the Navy that the results of the operational testing
7 of the Intranet are acceptable;

8 (C) the Comptroller of the Department of De-
9 fense has certified to the Secretary of the Navy that
10 the cost review provides a reliable basis for fore-
11 casting the cost impact of continued implementation;
12 and

13 (D) the Secretary of the Navy and the Chief of
14 Naval Operations have submitted to Congress a joint
15 certification that they have reviewed the certifi-
16 cations submitted under subparagraphs (B) and (C)
17 and have determined that the continued implementa-
18 tion of the contract is in the best interest of the De-
19 partment of the Navy.

20 (4) No increment of the Navy-Marine Corps Intranet
21 that is implemented during fiscal year 2001 may include
22 any activities of the Marine Corps, the naval shipyards,
23 or the naval aviation depots. Funds available for fiscal
24 year 2001 for activities of the Marine Corps, the naval
25 shipyards, or the naval aviation depots may not be ex-

1 pended for any contract for the Navy-Marine Corps
2 Intranet.

3 (c) PROHIBITION ON INCREASE OF RATES
4 CHARGED.—The Secretary of the Navy shall ensure that
5 rates charged by a working capital funded industrial facil-
6 ity of the Department of the Navy for goods or services
7 provided by such facility are not increased during fiscal
8 year 2001 for the purpose of funding the Navy-Marine
9 Corps Intranet contract.

10 (d) APPLICABILITY OF STATUTORY AND REGU-
11 LATORY REQUIREMENTS.—The acquisition of a Navy-Ma-
12 rine Corps Intranet shall be managed by the Department
13 of the Navy in accordance with the requirements of—

14 (1) the Clinger-Cohen Act of 1996 (divisions D
15 and E of Public Law 104–106), including the re-
16 quirement for utilizing modular contracting in ac-
17 cordance with section 38 of the Office of Federal
18 Procurement Policy Act (41 U.S.C. 434); and

19 (2) Department of Defense Directives 5000.1
20 and 5000.2–R and all other directives, regulations,
21 and management controls that are applicable to
22 major investments in information technology and re-
23 lated services.

24 (e) IMPACT ON FEDERAL EMPLOYEES.—The Sec-
25 retary shall mitigate any adverse impact of the implemen-

1 tation of the Navy-Marine Corps Intranet on civilian em-
2 ployees of the Department of the Navy who, as of the date
3 of the enactment of this Act, are performing functions
4 that are included in the scope of the Navy-Marine Corps
5 Intranet program by—

6 (1) developing a comprehensive plan for the
7 transition of such employees to the performance of
8 other functions within the Department of the Navy;

9 (2) taking full advantage of transition authori-
10 ties available for the benefit of employees;

11 (3) encouraging the retraining of employees
12 who express a desire to qualify for reassignment to
13 the performance of other functions within the De-
14 partment of the Navy; and

15 (4) including a provision in the Navy-Marine
16 Corps Intranet contract that requires the contractor
17 to provide a preference for hiring employees of the
18 Department of the Navy who, as of the date of the
19 enactment of this Act, are performing functions that
20 are included in the scope of the contract.

21 (f) NAVY-MARINE CORPS INTRANET CONTRACT DE-
22 FINED.—In this section, the term “Navy-Marine Corps
23 Intranet contract” means a contract providing for a long-
24 term arrangement of the Department of the Navy with
25 the commercial sector that imposes on the contractor a

1 responsibility for, and transfers to the contractor the risk
2 of, providing and managing the significant majority of
3 desktop, server, infrastructure, and communication assets
4 and services of the Department of the Navy.

5 **SEC. 815. SENSE OF CONGRESS REGARDING INFORMATION**
6 **TECHNOLOGY SYSTEMS FOR GUARD AND RE-**
7 **SERVE COMPONENTS.**

8 It is the sense of Congress—

9 (1) that the Secretary of Defense should take
10 appropriate steps to provide for upgrading informa-
11 tion technology systems of the reserve components to
12 ensure that those systems are capable, as required
13 for mission purposes, of communicating with other
14 relevant information technology systems of the mili-
15 tary department concerned and of the Department
16 of Defense in general; and

17 (2) that the Secretary of each military depart-
18 ment should ensure that communications systems
19 for the reserve components under the Secretary's ju-
20 risdiction receive appropriate funding for informa-
21 tion technology systems in order to achieve the capa-
22 bility referred to in paragraph (1).

**Subtitle C—Other Acquisition-Related
Matters**

SEC. 821. IMPROVEMENTS IN PROCUREMENTS OF SERVICES.

(a) PREFERENCE FOR PERFORMANCE-BASED SERVICE CONTRACTING.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be revised to establish a preference for use of contracts and task orders for the purchase of services in the following order of precedence:

(1) A performance-based contract or performance-based task order that contains firm fixed prices for the specific tasks to be performed.

(2) Any other performance-based contract or performance-based task order.

(3) Any contract or task order that is not a performance-based contract or a performance-based task order.

(b) INCENTIVE FOR USE OF PERFORMANCE-BASED SERVICE CONTRACTS.—(1) A Department of Defense performance-based service contract or performance-based task order may be treated as a contract for the procurement of commercial items if—

1 (A) the contract or task order is valued at
2 \$5,000,000 or less;

3 (B) the contract or task order sets forth specifi-
4 cally each task to be performed and, for each task—

5 (i) defines the task in measurable, mission-
6 related terms;

7 (ii) identifies the specific end products or
8 output to be achieved; and

9 (iii) contains a firm fixed price; and

10 (C) the source of the services provides similar
11 services contemporaneously to the general public
12 under terms and conditions similar to those offered
13 to the Federal Government.

14 (2) The special simplified procedures provided in the
15 Federal Acquisition Regulation pursuant to section
16 2304(g)(1)(B) of title 10, United States Code, shall not
17 apply to a performance-based service contract or perform-
18 ance-based task order that is treated as a contract for the
19 procurement of commercial items under paragraph (1).

20 (3) Not later than 2 years after the date of the enact-
21 ment of this Act, the Comptroller General shall submit
22 a report on the implementation of this subsection to the
23 congressional defense committees.

1 (4) The authority under this subsection shall not
2 apply to contracts entered into or task orders issued more
3 than 3 years after the date of the enactment of this Act.

4 (c) CENTERS OF EXCELLENCE IN SERVICE CON-
5 TRACTING.—Not later than 180 days after the date of the
6 enactment of this Act, the Secretary of each military de-
7 partment shall establish at least one center of excellence
8 in contracting for services. Each center of excellence shall
9 assist the acquisition community by identifying, and serv-
10 ing as a clearinghouse for, best practices in contracting
11 for services in the public and private sectors.

12 (d) ENHANCED TRAINING IN SERVICE CON-
13 TRACTING.—(1) The Secretary of Defense shall ensure
14 that classes focusing specifically on contracting for serv-
15 ices are offered by the Defense Acquisition University and
16 the Defense Systems Management College and are other-
17 wise available to contracting personnel throughout the De-
18 partment of Defense.

19 (2) The Secretary of each military department and
20 the head of each Defense Agency shall ensure that the
21 personnel of the department or agency, as the case may
22 be, who are responsible for the awarding and management
23 of contracts for services receive appropriate training that
24 is focused specifically on contracting for services.

25 (e) DEFINITIONS.—In this section:

1 (1) The term “performance-based”, with re-
2 spect to a contract, a task order, or contracting,
3 means that the contract, task order, or contracting,
4 respectively, includes the use of performance work
5 statements that set forth contract requirements in
6 clear, specific, and objective terms with measurable
7 outcomes.

8 (2) The term “commercial item” has the mean-
9 ing given the term in section 4(12) of the Office of
10 Federal Procurement Policy Act (41 U.S.C.
11 403(12)).

12 (3) The term “Defense Agency” has the mean-
13 ing given the term in section 101(a)(11) of title 10,
14 United States Code.

15 **SEC. 822. FINANCIAL ANALYSIS OF USE OF DUAL RATES**
16 **FOR QUANTIFYING OVERHEAD COSTS AT**
17 **ARMY AMMUNITION PLANTS.**

18 (a) REQUIREMENT FOR ANALYSIS.—The Secretary of
19 the Army shall carry out a financial analysis of the costs
20 that would be incurred and the benefits that would be de-
21 rived from the implementation of a policy of using—

22 (1) one set of rates for quantifying the over-
23 head costs associated with Government-owned am-
24 munition plants of the Department of the Army

1 when allocating those costs to contractors operating
2 the plants; and

3 (2) another set of rates for quantifying the
4 overhead costs to be allocated to the operation of
5 such plants by employees of the United States.

6 (b) REPORT.—Not later than February 15, 2001, the
7 Secretary shall submit to the congressional defense com-
8 mittees a report on the results of the analysis carried out
9 under subsection (a). The report shall include the fol-
10 lowing:

11 (1) The costs and benefits identified in the
12 analysis under subsection (a).

13 (2) The risks to the United States of imple-
14 menting a dual-rate policy described in subsection
15 (a).

16 (3) The effects that a use of dual rates under
17 such a policy would have on the defense industrial
18 base of the United States.

19 **SEC. 823. REPEAL OF PROHIBITION ON USE OF DEPART-**
20 **MENT OF DEFENSE FUNDS FOR PROCURE-**
21 **MENT OF NUCLEAR-CAPABLE SHIPYARD**
22 **CRANE FROM A FOREIGN SOURCE.**

23 Section 8093 of the Department of Defense Appro-
24 priations Act, 2000 (Public Law 106–79; 113 Stat. 1253),
25 is amended by striking subsection (d), relating to a prohi-

1 bition on the use of Department of Defense funds to pro-
2 cure a nuclear-capable shipyard crane from a foreign
3 source.

4 **SEC. 824. EXTENSION OF WAIVER PERIOD FOR LIVE-FIRE**
5 **SURVIVABILITY TESTING FOR MH-47E AND**
6 **MH-60K HELICOPTER MODIFICATION PRO-**
7 **GRAMS.**

8 (a) EXISTING WAIVER PERIOD NOT APPLICABLE.—
9 Section 2366(c)(1) of title 10, United States Code, shall
10 not apply with respect to survivability and lethality tests
11 for the MH-47E and MH-60K helicopter modification
12 programs. Except as provided in the previous sentence, the
13 provisions and requirements in section 2366(c) of such
14 title shall apply with respect to such programs, and the
15 certification required by subsection (b) shall comply with
16 the requirements in paragraph (3) of such section.

17 (b) EXTENDED PERIOD FOR WAIVER.—With respect
18 to the MH-47E and MH-60K helicopter modification pro-
19 grams, the Secretary of Defense may waive the application
20 of the survivability and lethality tests described in section
21 2366(a) of title 10, United States Code, if the Secretary,
22 before full materiel release of the MH-47E and MH-60K
23 helicopters for operational use, certifies to Congress that
24 live-fire testing of the programs would be unreasonably ex-
25 pensive and impracticable.

1 (c) CONFORMING AMENDMENT.—Section 142(a) of
2 the National Defense Authorization Act for Fiscal Year
3 1993 (Public Law 102–484; 106 Stat. 2338) is amended
4 by striking “and survivability testing” in paragraphs (1)
5 and (2).

6 **SEC. 825. COMPLIANCE WITH EXISTING LAW REGARDING**
7 **PURCHASES OF EQUIPMENT AND PRODUCTS.**

8 (a) SENSE OF CONGRESS REGARDING PURCHASE BY
9 THE DEPARTMENT OF DEFENSE OF EQUIPMENT AND
10 PRODUCTS.—It is the sense of Congress that any entity
11 of the Department of Defense, in expending funds author-
12 ized by this Act for the purchase of equipment or prod-
13 ucts, should fully comply with the Buy American Act (41
14 U.S.C. 10a et seq.) and section 2533 of title 10, United
15 States Code.

16 (b) DEPARTMENT OF PERSONS CONVICTED OF
17 FRAUDULENT USE OF “MADE IN AMERICA” LABELS.—
18 If the Secretary of Defense determines that a person has
19 been convicted of intentionally affixing a label bearing a
20 “Made in America” inscription, or another inscription
21 with the same meaning, to any product sold in or shipped
22 to the United States that is not made in the United
23 States, the Secretary shall determine, in accordance with
24 section 2410f of title 10, United States Code, whether the

1 person should be debarred from contracting with the De-
2 partment of Defense.

3 **SEC. 826. REQUIREMENT TO DISREGARD CERTAIN AGREE-**
4 **MENTS IN AWARDING CONTRACTS FOR THE**
5 **PURCHASE OF FIREARMS OR AMMUNITION.**

6 In accordance with the requirements contained in the
7 amendments enacted in the Competition in Contracting
8 Act of 1984 (title VII of division B of Public Law 98–
9 369; 98 Stat. 1175), the Secretary of Defense may not,
10 in awarding a contract for the purchase of firearms or
11 ammunition, take into account whether a manufacturer or
12 vendor of firearms or ammunition is a party to an agree-
13 ment under which the manufacturer or vendor agrees to
14 adopt limitations with respect to importing, manufac-
15 turing, or dealing in firearms or ammunition in the com-
16 mercial market.

17 **Subtitle D—Studies and Reports**

18 **SEC. 831. STUDY ON IMPACT OF FOREIGN SOURCING OF**
19 **SYSTEMS ON LONG-TERM MILITARY READI-**
20 **NESS AND RELATED INDUSTRIAL INFRA-**
21 **STRUCTURE.**

22 (a) STUDY REQUIRED.—The Secretary of Defense
23 shall conduct a study analyzing in detail—

1 (1) the amount and sources of parts, compo-
2 nents, and materials of the systems described in sub-
3 section (b) that are obtained from foreign sources;

4 (2) the impact of obtaining such parts, compo-
5 nents, and materials from foreign sources on the
6 long-term readiness of the Armed Forces and on the
7 economic viability of the national technology and in-
8 dustrial base;

9 (3) the impact on military readiness that would
10 result from the loss of the ability to obtain parts,
11 components, and materials identified pursuant to
12 paragraph (1) from foreign sources; and

13 (4) the availability of domestic sources for
14 parts, components, and materials identified as being
15 obtained from foreign sources pursuant to paragraph
16 (1).

17 (b) SYSTEMS.—The systems referred to in subsection
18 (a) are the following:

19 (1) AH–64D Apache helicopter.

20 (2) F/A–18 E/F aircraft.

21 (3) M1A2 Abrams tank.

22 (4) AIM–120 AMRAAM missile.

23 (5) Patriot missile ground station.

24 (6) Hellfire missile.

1 (c) SOURCE OF INFORMATION.—The Secretary shall
2 collect information to be analyzed under the study from
3 prime contractors and first and second tier subcontractors.
4

5 (d) REPORT REQUIRED.—Not later than one year
6 after the date of the enactment of this Act, the Secretary
7 shall submit to Congress a report describing the results
8 of the study required by this section.

9 (e) DEFINITIONS.—In this section:

10 (1) The term “domestic source” means a person
11 or organization that falls within the term “national
12 technology and industrial base”, as defined in
13 section 2500(1) of title 10, United States Code.

14 (2) The term “foreign source” means a person
15 or organization that does not fall within the meaning
16 of the term “national technology and industrial
17 base”, as defined in such section.

18 (3) The term “national technology and industrial
19 base” has the meaning given that term in such
20 section.

21 **SEC. 832. STUDY OF POLICIES AND PROCEDURES FOR**
22 **TRANSFER OF COMMERCIAL ACTIVITIES.**

23 (a) GAO-CONVENED PANEL.—The Comptroller General
24 shall convene a panel of experts to study the policies
25 and procedures governing the transfer of commercial ac-

1 tivities for the Federal Government from Government per-
2 sonnel to a Federal contractor, including—

3 (1) procedures for determining whether func-
4 tions should continue to be performed by Govern-
5 ment personnel;

6 (2) procedures for comparing the costs of per-
7 formance of functions by Government personnel and
8 the costs of performance of such functions by Fed-
9 eral contractors;

10 (3) implementation by the Department of De-
11 fense of the Federal Activities Inventory Reform Act
12 of 1998 (Public Law 105–270; 31 U.S.C. 501 note);
13 and

14 (4) procedures of the Department of Defense
15 for public-private competitions pursuant to the Of-
16 fice of Management and Budget Circular A–76.

17 (b) COMPOSITION OF PANEL.—(1) The Comptroller
18 General shall appoint highly qualified and knowledgeable
19 persons to serve on the panel and shall ensure that the
20 following entities receive fair representation on the panel:

21 (A) The Department of Defense.

22 (B) Persons in private industry.

23 (C) Federal labor organizations.

24 (D) The Office of Management and Budget.

1 (2) For the purposes of the requirement for fair rep-
2 resentation under paragraph (1), persons serving on the
3 panel under subparagraph (C) of that paragraph shall not
4 be counted as persons serving on the panel under subpara-
5 graph (A), (B), or (D) of that paragraph.

6 (c) CHAIRMAN.—The Comptroller General, or an in-
7 dividual within the General Accounting Office designated
8 by the Comptroller General, shall be the chairman of the
9 panel.

10 (d) PARTICIPATION BY OTHER INTERESTED PAR-
11 TIES.—The chairman shall ensure that all interested par-
12 ties, including individuals who are not represented on the
13 panel who are officers or employees of the United States,
14 persons in private industry, or representatives of Federal
15 labor organizations, have the opportunity to submit infor-
16 mation and views on the matters being studied by the
17 panel.

18 (e) INFORMATION FROM AGENCIES.—The panel may
19 request directly from any department or agency of the
20 United States any information that the panel considers
21 necessary to carry out a meaningful study of the policies
22 and procedures described in subsection (a), including the
23 Office of Management and Budget Circular A-76 process.
24 To the extent consistent with applicable laws and regula-

1 tions, the head of such department or agency shall furnish
2 the requested information to the panel.

3 (f) REPORT.—Not later than May 1, 2002, the
4 Comptroller General shall submit the report of the panel
5 on the results of the study to Congress, including rec-
6 ommended changes with respect to implementation of poli-
7 cies and enactment of legislation.

8 (g) DEFINITION.—In this section, the term “Federal
9 labor organization” has the meaning given the term “labor
10 organization” in section 7103(a)(4) of title 5, United
11 States Code.

12 **SEC. 833. STUDY AND REPORT ON PRACTICE OF CONTRACT**
13 **BUNDLING IN MILITARY CONSTRUCTION**
14 **CONTRACTS.**

15 (a) STUDY REQUIRED.—The Comptroller General of
16 the United States shall conduct a study regarding the use
17 of the practice known as “contract bundling” with respect
18 to military construction contracts.

19 (b) REPORT.—Not later than February 1, 2001, the
20 Comptroller General shall submit to the committees on
21 Armed Services of the Senate and the House of Represent-
22 atives a report on the results of the study conducted under
23 subsection (a).

1 **SEC. 834. REQUIREMENT TO CONDUCT STUDY ON CON-**
 2 **TRACT BUNDLING.**

3 (a) IN GENERAL.—The Secretary of Defense shall
 4 conduct a comprehensive study on the practice known as
 5 “contract bundling” by the Department of Defense, and
 6 the effects of such practice on small business concerns,
 7 small business concerns owned and controlled by socially
 8 and economically disadvantaged individuals, small busi-
 9 ness concerns owned and controlled by women, and his-
 10 torically underutilized business zones (as such terms are
 11 used in the Small Business Act (15 U.S.C. 631 et seq.)).

12 (b) DEADLINE.—The Secretary shall submit the re-
 13 sults of the study to the Committees on Armed Services
 14 and Small Business of the Senate and the House of Rep-
 15 resentatives before submission of the budget request of the
 16 Department of Defense for fiscal year 2002.

17 **TITLE IX—DEPARTMENT OF DE-**
 18 **FENSE ORGANIZATION AND**
 19 **MANAGEMENT**

**Subtitle A—Duties and Functions of Department of Defense
 Officers**

- Sec. 901. Overall supervision of Department of Defense activities for combating terrorism.
- Sec. 902. Change of title of certain positions in the Headquarters, Marine Corps.
- Sec. 903. Clarification of scope of Inspector General authorities under military whistleblower law.
- Sec. 904. Policy to ensure conduct of science and technology programs so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation.
- Sec. 905. Additional components of Chairman of the Joint Chiefs of staff annual report on combatant command requirements.

Subtitle B—Department of Defense Organizations

- Sec. 911. Western Hemisphere Institute for Security Cooperation.
- Sec. 912. Department of Defense regional centers for security studies.
- Sec. 913. Change in name of Armed Forces Staff College to Joint Forces Staff College.
- Sec. 914. Special authority for administration of Navy Fisher Houses.
- Sec. 915. Supervisory control of Armed Forces Retirement Home board by Secretary of Defense.
- Sec. 916. Semiannual report on Joint Requirements Oversight Council reform initiative.
- Sec. 917. Comptroller General review of operations of Defense Logistics Agency.
- Sec. 918. Comptroller General review of operations of Defense Information Systems Agency.

Subtitle C—Information Security

- Sec. 921. Institute for Defense Computer Security and Information Protection.
- Sec. 922. Information security scholarship program.

Subtitle D—Reports

- Sec. 931. Date of submittal of reports on shortfalls in equipment procurement and military construction for the reserve components in future-years defense programs.
- Sec. 932. Report on number of personnel assigned to legislative liaison functions.
- Sec. 933. Joint report on establishment of national collaborative information analysis capability.
- Sec. 934. Network centric warfare.
- Sec. 935. Report on Air Force Institute of Technology.

Subtitle E—Other Matters

- Sec. 941. Flexibility in implementation of limitation on major Department of Defense headquarters activities personnel.
- Sec. 942. Consolidation of certain Navy gift funds.
- Sec. 943. Temporary authority to dispose of a gift previously accepted for the Naval Academy.

1 **Subtitle A—Duties and Functions**
2 **of Department of Defense Officers**

3 **SEC. 901. OVERALL SUPERVISION OF DEPARTMENT OF DE-**
4 **FENSE ACTIVITIES FOR COMBATING TER-**
5 **RORISM.**

6 Section 138(b) of title 10, United States Code, is
7 amended by adding at the end the following new para-
8 graph:

9 “(6)(A) One of the Assistant Secretaries, as des-
10 ignated by the Secretary of Defense from among those As-
11 sistant Secretaries with responsibilities that include re-
12 sponsibilities related to combating terrorism, shall
13 have, among that Assistant Secretary’s duties, the duty
14 to provide overall direction and supervision for policy, pro-
15 gram planning and execution, and allocation and use of
16 resources for the activities of the Department of Defense
17 for combating terrorism, including antiterrorism activities,
18 counterterrorism activities, terrorism consequences man-
19 agement activities, and terrorism-related intelligence sup-
20 port activities.

21 “(B) The Assistant Secretary designated under sub-
22 paragraph (A) shall be the principal civilian adviser to the
23 Secretary of Defense on combating terrorism and (after
24 the Secretary and Deputy Secretary) shall be the principal

1 official within the senior management of the Department
2 of Defense responsible for combating terrorism.

3 “(C) If the Secretary of Defense designates under
4 subparagraph (A) an Assistant Secretary other than the
5 Assistant Secretary of Defense for Special Operations and
6 Low Intensity Conflict, then the responsibilities of the As-
7 sistant Secretary of Defense for Special Operations and
8 Low Intensity Conflict related to combating terrorism
9 shall be exercised subject to subparagraph (B).”.

10 **SEC. 902. CHANGE OF TITLE OF CERTAIN POSITIONS IN**
11 **THE HEADQUARTERS, MARINE CORPS.**

12 (a) INSTITUTION OF POSITIONS AS DEPUTY COM-
13 MANDANTS.—Section 5041(b) of title 10, United States
14 Code, is amended—

15 (1) by striking paragraphs (3) through (5) and
16 inserting the following:

17 “(3) The Deputy Commandants.”; and

18 (2) by redesignating paragraphs (6) and (7) as
19 paragraphs (4) and (5), respectively.

20 (b) DESIGNATION OF DEPUTY COMMANDANTS.—(1)
21 Section 5045 of such title is amended to read as follows:

22 **“§ 5045. Deputy Commandants**

23 “There are in the Headquarters, Marine Corps, not
24 more than five Deputy Commandants, detailed by the Sec-

1 retary of the Navy from officers on the active-duty list
2 of the Marine Corps.”.

3 (2) The item relating to section 5045 in the table of
4 sections at the beginning of chapter 506 of such title is
5 amended to read as follows:

“5045. Deputy Commandants.”.

6 (c) CONFORMING AMENDMENT.—Section 1502(7)(D)
7 of the Armed Forces Retirement Home Act of 1991 (24
8 U.S.C. 401) is amended to read as follows:

9 “(D) the Deputy Commandant of the Ma-
10 rine Corps with responsibility for personnel
11 matters.”.

12 **SEC. 903. CLARIFICATION OF SCOPE OF INSPECTOR GEN-**
13 **ERAL AUTHORITIES UNDER MILITARY WHIS-**
14 **TLEBLOWER LAW.**

15 (a) CLARIFICATION OF RESPONSIBILITIES.—Sub-
16 section (c)(3)(A) of section 1034 of title 10, United States
17 Code, is amended by inserting “, in accordance with regu-
18 lations prescribed under subsection (h),” after “shall expe-
19 ditiously determine”.

20 (b) REDEFINITION OF INSPECTOR GENERAL.—Sub-
21 section (i)(2) of such section is amended—

22 (1) by inserting “any of” in the matter pre-
23 ceding subparagraph (A) after “means”;

24 (2) by striking subparagraphs (C), (D), (E),
25 (F) and (G); and

1 (3) by inserting after subparagraph (B) the fol-
2 lowing new subparagraph (C):

3 “(C) Any officer of the armed forces or
4 employee of the Department of Defense who is
5 assigned or detailed to serve as an Inspector
6 General at any level in the Department of De-
7 fense.”.

8 **SEC. 904. POLICY TO ENSURE CONDUCT OF SCIENCE AND**
9 **TECHNOLOGY PROGRAMS SO AS TO FOSTER**
10 **THE TRANSITION OF SCIENCE AND TECH-**
11 **NOLOGY TO HIGHER LEVELS OF RESEARCH,**
12 **DEVELOPMENT, TEST, AND EVALUATION.**

13 (a) IN GENERAL.—(1) Chapter 139 of title 10,
14 United States Code, is amended by inserting after section
15 2358 the following new section:

16 **“§ 2359. Science and technology programs to be con-**
17 **ducted so as to foster the transition of**
18 **science and technology to higher levels of**
19 **research, development, test, and evalua-**
20 **tion**

21 “(a) POLICY.—Each official specified in subsection
22 (b) shall ensure that the management and conduct of the
23 science and technology programs under the authority of
24 that official are carried out in a manner that will foster

1 the transition of science and technology to higher levels
2 of research, development, test, and evaluation.

3 “(b) COVERED OFFICIALS.—Subsection (a) applies to
4 the following officials of the Department of Defense:

5 “(1) The Under Secretary of Defense for Ac-
6 quisition, Technology, and Logistics.

7 “(2) The Secretary of each military depart-
8 ment.

9 “(3) The Director of the Defense Advanced Re-
10 search Projects Agency.

11 “(4) The directors and heads of other offices
12 and agencies of the Department of Defense with as-
13 signed research, development, test, and evaluation
14 responsibilities.”.

15 (2) The table of sections at the beginning of such
16 chapter is amended by inserting after the item relating
17 to section 2358 the following new item:

“2359. Science and technology programs to be conducted so as to foster the
transition of science and technology to higher levels of re-
search, development, test, and evaluation.”.

18 (b) OFFICE OF NAVAL RESEARCH.—Section 5022(b)
19 of title 10, United States Code, is amended—

20 (1) by striking “and” at the end of paragraph
21 (2);

22 (2) by striking the period at the end of para-
23 graph (3) and inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(4) the execution of, and management respon-
4 sibility for, programs for which funds are provided
5 in the basic and applied research and advanced tech-
6 nology categories of the Department of the Navy re-
7 search, development, test, and evaluation budget in
8 such a manner that will foster the transition of
9 science and technology to higher levels of research,
10 development, test and evaluation.”.

11 **SEC. 905. ADDITIONAL COMPONENTS OF CHAIRMAN OF**
12 **THE JOINT CHIEFS OF STAFF ANNUAL RE-**
13 **PORT ON COMBATANT COMMAND REQUIRE-**
14 **MENTS.**

15 (a) ADDITIONAL COMPONENTS.—Section 153(d)(1)
16 of title 10, United States Code, is amended by adding at
17 the end the following new subparagraphs:

18 “(C) A description of the extent to which the
19 most recent future-years defense program (under
20 section 221 of this title) addresses the requirements
21 on the consolidated lists.

22 “(D) A description of the funding proposed in
23 the President’s budget for the next fiscal year, and
24 for the subsequent fiscal years covered by the most
25 recent future-years defense program, to address each

1 deficiency in readiness identified during the joint
 2 readiness review conducted under section 117 of this
 3 title for the first quarter of the current fiscal year.”.

4 (b) TIME FOR SUBMISSION.—Such section is further
 5 amended by striking “Not later than August 15 of each
 6 year,” and inserting “At or about the time that the budget
 7 is submitted to Congress for a fiscal year under section
 8 1105(a) of title 31,”.

9 **Subtitle B—Department of Defense** 10 **Organizations**

11 **SEC. 911. WESTERN HEMISPHERE INSTITUTE FOR SECU-** 12 **RITY COOPERATION.**

13 (a) IN GENERAL.—Chapter 108 of title 10, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing new section:

16 **“§ 2166. Western Hemisphere Institute for Security** 17 **Cooperation**

18 “(a) ESTABLISHMENT AND ADMINISTRATION.—(1)
 19 The Secretary of Defense may operate an education and
 20 training facility for the purpose set forth in subsection (b).
 21 The facility shall be known as the ‘Western Hemisphere
 22 Institute for Security Cooperation’.

23 “(2) The Secretary may designate the Secretary of
 24 a military department as the Department of Defense exec-

1 utive agent for carrying out the responsibilities of the Sec-
2 retary of Defense under this section.

3 “(b) PURPOSE.—The purpose of the Institute is to
4 provide professional education and training to eligible per-
5 sonnel of nations of the Western Hemisphere within the
6 context of the democratic principles set forth in the Char-
7 ter of the Organization of American States (such charter
8 being a treaty to which the United States is a party), while
9 fostering mutual knowledge, transparency, confidence, and
10 cooperation among the participating nations and pro-
11 moting democratic values, respect for human rights, and
12 knowledge and understanding of United States customs
13 and traditions.

14 “(c) ELIGIBLE PERSONNEL.—(1) Subject to para-
15 graph (2), personnel of nations of the Western Hemi-
16 sphere are eligible for education and training at the Insti-
17 tute as follows:

18 “(A) Military personnel.

19 “(B) Law enforcement personnel.

20 “(C) Civilian personnel.

21 “(2) The Secretary of State shall be consulted in the
22 selection of foreign personnel for education or training at
23 the Institute.

24 “(d) CURRICULUM.—(1) The curriculum of the Insti-
25 tute shall include mandatory instruction for each student,

1 for at least 8 hours, on human rights, the rule of law,
2 due process, civilian control of the military, and the role
3 of the military in a democratic society.

4 “(2) The curriculum may include instruction and
5 other educational and training activities on the following:

6 “(A) Leadership development.

7 “(B) Counterdrug operations.

8 “(C) Peace support operations.

9 “(D) Disaster relief.

10 “(E) Any other matter that the Secretary de-
11 termines appropriate.

12 “(e) BOARD OF VISITORS.—(1) There shall be a
13 Board of Visitors for the Institute. The Board shall be
14 composed of the following:

15 “(A) The chairman and ranking minority mem-
16 ber of the Committee on Armed Services of the Sen-
17 ate, or a designee of either of them.

18 “(B) The chairman and ranking minority mem-
19 ber of the Committee on Armed Services of the
20 House of Representatives, or a designee of either of
21 them.

22 “(C) Six persons designated by the Secretary of
23 Defense including, to the extent practicable, persons
24 from academia and the religious and human rights
25 communities.

1 “(D) One person designated by the Secretary of
2 State.

3 “(E) The senior military officer responsible for
4 training and doctrine for the Army or, if the Sec-
5 retary of the Navy or the Secretary of the Air Force
6 is designated as the executive agent of the Secretary
7 of Defense under subsection (a)(2), the senior mili-
8 tary officer responsible for training and doctrine for
9 the Navy or Marine Corps or for the Air Force, re-
10 spectively, or a designee of the senior military officer
11 concerned.

12 “(F) The commander of the unified combatant
13 command having geographic responsibility for Latin
14 America, or a designee of that officer.

15 “(2) A vacancy in a position on the Board shall be
16 filled in the same manner as the position was originally
17 filled.

18 “(3) The Board shall meet at least once each year.

19 “(4)(A) The Board shall inquire into the curriculum,
20 instruction, physical equipment, fiscal affairs, and aca-
21 demic methods of the Institute, other matters relating to
22 the Institute that the Board decides to consider, and any
23 other matter that the Secretary of Defense determines ap-
24 propriate.

1 “(B) The Board shall review the curriculum of the
2 Institute to determine whether—

3 “(i) the curriculum complies with applicable
4 United States laws and regulations;

5 “(ii) the curriculum is consistent with United
6 States policy goals toward Latin America and the
7 Caribbean;

8 “(iii) the curriculum adheres to current United
9 States doctrine; and

10 “(iv) the instruction under the curriculum ap-
11 propriately emphasizes the matters specified in sub-
12 section (d)(1).

13 “(5) Not later than 60 days after its annual meeting,
14 the Board shall submit to the Secretary of Defense a writ-
15 ten report of its activities and of its views and rec-
16 ommendations pertaining to the Institute.

17 “(6) Members of the Board shall not be compensated
18 by reason of service on the Board.

19 “(7) With the approval of the Secretary of Defense,
20 the Board may accept and use the services of voluntary
21 and uncompensated advisers appropriate to the duties of
22 the Board without regard to section 1342 of title 31.

23 “(8) Members of the Board and advisers whose serv-
24 ices are accepted under paragraph (7) shall be allowed
25 travel and transportation expenses, including per diem in

1 lieu of subsistence, while away from their homes or regular
2 places of business in the performance of services for the
3 Board. Allowances under this paragraph shall be
4 computed—

5 “(A) in the case of members of the Board who
6 are officers or employees of the United States, at
7 rates authorized for employees of agencies under
8 subchapter I of chapter 57 of title 5; and

9 “(B) in the case of other members of the Board
10 and advisers, as authorized under section 5703 of
11 title 5 for employees serving without pay.

12 “(9) The Federal Advisory Committee Act (5 U.S.C.
13 App. 2), other than section 14 (relating to termination
14 after two years), shall apply to the Board.

15 “(f) FIXED COSTS.—The fixed costs of operating and
16 maintaining the Institute for a fiscal year may be paid
17 from—

18 “(1) any funds available for that fiscal year for
19 operation and maintenance for the executive agent
20 designated under subsection (a)(2); or

21 “(2) if no executive agent is designated under
22 subsection (a)(2), any funds available for that fiscal
23 year for the Department of Defense for operation
24 and maintenance for Defense-wide activities.

1 “(g) TUITION.—Tuition fees charged for persons who
 2 attend the Institute may not include the fixed costs of op-
 3 erating and maintaining the Institute.

4 “(h) ANNUAL REPORT.—Not later than March 15 of
 5 each year, the Secretary of Defense shall submit to Con-
 6 gress a detailed report on the activities of the Institute
 7 during the preceding year. The report shall be prepared
 8 in consultation with the Secretary of State.”.

9 (b) REPEAL OF AUTHORITY FOR UNITED STATES
 10 ARMY SCHOOL OF THE AMERICAS.—Section 4415 of title
 11 10, United States Code, is repealed.

12 (c) CLERICAL AMENDMENTS.—(1) The table of sec-
 13 tions at the beginning of chapter 108 of title 10, United
 14 States Code, is amended by inserting after the item relat-
 15 ing to section 2165 the following new item:

“2166. Western Hemisphere Institute for Security Cooperation.”.

16 (2) The table of sections at the beginning of chapter
 17 407 of such title is amended by striking the item relating
 18 to section 4415.

19 **SEC. 912. DEPARTMENT OF DEFENSE REGIONAL CENTERS**
 20 **FOR SECURITY STUDIES.**

21 (a) REQUIREMENT FOR ANNUAL REPORT.—(1)
 22 Chapter 7 of title 10, United States Code, is amended by
 23 adding at the end the following new section:

1 **“§ 184. Department of Defense regional centers for se-**
2 **curity studies**

3 “(a) ADVANCE NOTIFICATION TO CONGRESS OF THE
4 ESTABLISHMENT OF NEW REGIONAL CENTERS.—After
5 the date of the enactment of this section, a regional center
6 for security studies may not be established in the Depart-
7 ment of Defense until—

8 “(1) the Secretary of Defense submits to Con-
9 gress a notification of the intent of the Secretary to
10 establish the center, including a description of the
11 mission and functions of the proposed center and a
12 justification for the proposed center; and

13 “(2) a period of 90 days has elapsed after the
14 date on which that notification is submitted.

15 “(b) REQUIREMENT FOR ANNUAL REPORT.—Not
16 later than February 1 of each year, the Secretary of De-
17 fense shall submit to the Committee on Armed Services
18 of the Senate and the Committee on Armed Services of
19 the House of Representatives a report on the operation
20 of the Department of Defense regional centers for security
21 studies during the preceding fiscal year. The annual report
22 shall include, for each regional center, the following infor-
23 mation:

24 “(1) The status and objectives of the center.

25 “(2) The budget of the center, including the
26 costs of operating the center.

1 “(3) A description of the extent of the inter-
2 national participation in the programs of the center,
3 including the costs incurred by the United States for
4 the participation of each foreign nation.

5 “(4) A description of the foreign gifts and do-
6 nations, if any, accepted under any of the following
7 provisions of law:

8 “(A) Section 2611 of this title.

9 “(B) Section 1306 of the National Defense
10 Authorization Act for Fiscal Year 1995 (Public
11 Law 103–337; 108 Stat. 2892).

12 “(C) Section 1065 of the National Defense
13 Authorization Act for Fiscal Year 1997 (Public
14 Law 104–201; 110 Stat. 2653; 10 U.S.C. 113
15 note).

16 “(c) REGIONAL CENTER FOR SECURITY STUDIES
17 DEFINED.—For the purposes of this section, a regional
18 center for security studies is any center within the Depart-
19 ment of Defense that—

20 “(1) is operated, and designated as such, by the
21 Secretary of Defense for the study of security issues
22 relating to a specified geographic region of the
23 world; and

1 “(2) serves as a forum for bilateral and multi-
2 lateral communication and military and civilian ex-
3 changes with nations in that region.”.

4 (2) The table of sections at the beginning of chapter
5 7 of such title is amended by adding at the end the fol-
6 lowing new item:

 “184. Department of Defense regional centers for security studies.”.

7 (b) FIRST ANNUAL REPORT.—In the first annual re-
8 port on Department of Defense regional centers for secu-
9 rity studies under section 184(b) of title 10, United States
10 Code (as added by subsection (a)), to be submitted not
11 later than February 1, 2001, the Secretary of Defense
12 shall include any recommendation for legislation that the
13 Secretary considers appropriate for the operation of De-
14 partment of Defense regional centers for security studies,
15 together with a detailed justification for the recommended
16 legislation.

17 **SEC. 913. CHANGE IN NAME OF ARMED FORCES STAFF COL-**
18 **LEGE TO JOINT FORCES STAFF COLLEGE.**

19 (a) CHANGE IN NAME.—The Armed Forces Staff
20 College of the Department of Defense is hereby renamed
21 the “Joint Forces Staff College”.

22 (b) CONFORMING AMENDMENT.—Section 2165(b)(3)
23 of title 10, United States Code, is amended by striking
24 “Armed Forces Staff College” and inserting “Joint Forces
25 Staff College”.

1 (c) REFERENCES.—Any reference to the Armed
2 Forces Staff College in any law, regulation, map, docu-
3 ment, record, or other paper of the United States shall
4 be considered to be a reference to the Joint Forces Staff
5 College.

6 **SEC. 914. SPECIAL AUTHORITY FOR ADMINISTRATION OF**
7 **NAVY FISHER HOUSES.**

8 (a) BASE OPERATING SUPPORT.—Section 2493 of
9 title 10, United States Code, is amended—

10 (1) by redesignating subsection (f) as sub-
11 section (g); and

12 (2) by inserting after subsection (e) the fol-
13 lowing new subsection (f):

14 “(f) SPECIAL AUTHORITY FOR NAVY.—The Sec-
15 retary of the Navy shall provide base operating support
16 for Fisher Houses associated with health care facilities of
17 the Navy. The level of the support shall be equivalent to
18 the base operating support that the Secretary provides for
19 morale, welfare, and recreation category B community ac-
20 tivities (as defined in regulations, prescribed by the Sec-
21 retary, that govern morale, welfare, and recreation activi-
22 ties associated with Navy installations).”.

23 (b) SAVINGS PROVISIONS FOR CERTAIN NAVY EM-
24 PLOYEES.—(1) The Secretary of the Navy may continue
25 to employ, and pay out of appropriated funds, any em-

1 ployee of the Navy in the competitive service who, as of
2 October 17, 1998, was employed by the Navy in a position
3 at a Fisher House administered by the Navy, but only for
4 so long as the employee is continuously employed in that
5 position.

6 (2) After a person vacates a position in which the
7 person was continued to be employed under the authority
8 of paragraph (1), a person employed in that position shall
9 be employed as an employee of a nonappropriated fund
10 instrumentality of the United States and may not be paid
11 for services in that position out of appropriated funds.

12 (3) In this subsection:

13 (A) The term “Fisher House” has the meaning
14 given the term in section 2493(a)(1) of title 10,
15 United States Code.

16 (B) The term “competitive service” has the
17 meaning given the term in section 2102 of title 5,
18 United States Code.

19 (c) EFFECTIVE DATE.—(1) The amendments made
20 by subsection (a) shall be effective as of October 17, 1998,
21 as if included in section 2493 of title 10, United States
22 Code, as enacted by section 906(a) of Public Law 105–
23 261.

1 (2) Subsection (b) applies with respect to the pay pe-
2 riod that includes October 17, 1998, and subsequent pay
3 periods.

4 **SEC. 915. SUPERVISORY CONTROL OF ARMED FORCES RE-**
5 **TIREMENT HOME BOARD BY SECRETARY OF**
6 **DEFENSE.**

7 The Armed Forces Retirement Home Act of 1991
8 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.)
9 is amended by inserting after section 1523 the following
10 new section:

11 **“SEC. 1524. CONDITIONAL SUPERVISORY CONTROL OF RE-**
12 **TIREMENT HOME BOARD BY SECRETARY OF**
13 **DEFENSE.**

14 “(a) **APPLICABILITY.**—This section shall apply only
15 when the deduction authorized by section 1007(i)(1) of
16 title 37, United States Code, to be made from the monthly
17 pay of certain members of the armed forces is equal to
18 \$1.00 for each enlisted member, warrant officer, and lim-
19 ited duty officer of the armed forces on active duty.

20 “(b) **BOARD AUTHORITY SUBJECT TO SECRETARY’S**
21 **CONTROL.**—The Retirement Home Board shall be subject
22 to the authority, direction, and control of the Secretary
23 of Defense in the performance of the Board’s duties under
24 section 1516.

1 “(c) APPOINTMENT OF BOARD MEMBERS.—When an
 2 appointment of a member of the Retirement Home Board
 3 under section 1515 is not made by the Secretary of De-
 4 fense, the appointment shall be subject to the approval of
 5 the Secretary of Defense.

6 “(d) TERMS OF BOARD MEMBERS.—(1) Notwith-
 7 standing section 1515(e)(3), only the Secretary of Defense
 8 may appoint a member of the Retirement Home Board
 9 for a second consecutive term.

10 “(2) The Secretary of Defense may terminate the ap-
 11 pointment of a member of the Retirement Home Board
 12 at the pleasure of the Secretary.

13 “(e) RESPONSIBILITY OF CHAIRMAN TO THE SEC-
 14 RETARY.—Notwithstanding section 1515(d)(1)(B), the
 15 chairman of the Retirement Home Board shall be respon-
 16 sible to the Secretary of Defense, but not to the Secre-
 17 taries of the military departments, for direction and man-
 18 agement of the Retirement Home or each facility main-
 19 tained as a separate facility of the Retirement Home.”.

20 **SEC. 916. SEMIANNUAL REPORT ON JOINT REQUIREMENTS**
 21 **OVERSIGHT COUNCIL REFORM INITIATIVE.**

22 (a) SEMIANNUAL REPORT.—The Chairman of the
 23 Joints Chiefs of Staff shall submit to the Committee on
 24 Armed Services of the Senate and the Committee on
 25 Armed Services of the House of Representatives a series

1 of five semiannual reports, as prescribed by subsection (b),
2 on the activities of the Joint Requirements Oversight
3 Council. The principal focus of each such report shall be
4 on the progress made on the initiative of the Chairman
5 to reform and refocus the Joint Requirements Oversight
6 Council.

7 (b) SUBMISSION OF REPORTS.—Reports under this
8 section shall be submitted not later than March 1, 2001,
9 September 1, 2001, March 1, 2002, September 1, 2002,
10 and March 1, 2003. Each report shall cover the half of
11 a fiscal year that ends five months before the date on
12 which the report is due.

13 (c) CONTENT.—In the case of any report under this
14 section after the first such report, if any matter to be in-
15 cluded is unchanged from the preceding report, that mat-
16 ter may be included by reference to the preceding report.
17 Each such report shall include, to the extent practicable,
18 the following:

19 (1) A listing of each of the capability areas des-
20 ignated by the Chairman of the Joints Chiefs of
21 Staff as being within the principal domain of the
22 Joint Requirements Oversight Council and a jus-
23 tification for each such designation.

1 (2) A listing of the joint requirements devel-
2 oped, considered, or approved within each of the ca-
3 pability areas listed pursuant to paragraph (1).

4 (3) A listing and explanation of the decisions
5 made by the Joint Requirements Oversight Council
6 and, to the extent appropriate, a listing of each of
7 the recommendations to the Council made by the
8 commander of the United States Joint Forces Com-
9 mand.

10 (4) An assessment of—

11 (A) the progress made in shifting the Joint
12 Requirements Oversight Council to having a
13 more strategic focus on future war fighting re-
14 quirements;

15 (B) the progress made on integration of
16 requirements; and

17 (C) the progress made on development of
18 overarching common architectures for defense
19 information systems to ensure that common de-
20 fense information systems are fully interoper-
21 able.

22 (5) A description of any actions that have been
23 taken to improve the Joint Requirements Oversight
24 Council.

1 **SEC. 917. COMPTROLLER GENERAL REVIEW OF OPER-**
2 **ATIONS OF DEFENSE LOGISTICS AGENCY.**

3 (a) COMPTROLLER GENERAL REVIEW REQUIRED.—

4 The Comptroller General shall review the operations of the
5 Defense Logistics Agency—

6 (1) to assess—

7 (A) the efficiency of those operations;

8 (B) the effectiveness of those operations in
9 meeting customer requirements; and

10 (C) the flexibility of those operation to
11 adopt best business practices; and

12 (2) to identify alternative approaches for im-
13 proving the operations of that agency.

14 (b) REPORT.—Not later than February 1, 2002, the
15 Comptroller General shall submit to the Committees on
16 Armed Services of the Senate and the House of Represent-
17 atives one or more reports setting forth the Comptroller
18 General's findings resulting from the review under sub-
19 section (a).

20 **SEC. 918. COMPTROLLER GENERAL REVIEW OF OPER-**
21 **ATIONS OF DEFENSE INFORMATION SYSTEMS**
22 **AGENCY.**

23 (a) COMPTROLLER GENERAL REVIEW REQUIRED.—

24 The Comptroller General shall review the operations of the
25 Defense Information Systems Agency—

26 (1) to assess—

- 1 (A) the efficiency of those operations;
2 (B) the effectiveness of those operations in
3 meeting customer requirements; and
4 (C) the flexibility of those operations to
5 adopt best business practices; and
6 (2) to identify alternative approaches for im-
7 proving the operations of that agency.

8 (b) REPORT.—Not later than February 1, 2002, the
9 Comptroller General shall submit to the Committees on
10 Armed Services of the Senate and the House of Represent-
11 atives one or more reports setting forth the Comptroller
12 General’s findings resulting from the review under sub-
13 section (a).

14 **Subtitle C—Information Security**

15 **SEC. 921. INSTITUTE FOR DEFENSE COMPUTER SECURITY** 16 **AND INFORMATION PROTECTION.**

17 (a) ESTABLISHMENT.—The Secretary of Defense
18 shall establish an Institute for Defense Computer Security
19 and Information Protection.

20 (b) MISSION.—The Secretary shall require the
21 institute—

- 22 (1) to conduct research and technology develop-
23 ment that is relevant to foreseeable computer and
24 network security requirements and information as-
25 surance requirements of the Department of Defense

1 with a principal focus on areas not being carried out
2 by other organizations in the private or public sec-
3 tor; and

4 (2) to facilitate the exchange of information re-
5 garding cyberthreats, technology, tools, and other
6 relevant issues.

7 (c) CONTRACTOR OPERATION.—The Secretary shall
8 enter into a contract with a not-for-profit entity, or a con-
9 sortium of not-for-profit entities, to organize and operate
10 the institute. The Secretary shall use competitive proce-
11 dures for the selection of the contractor to the extent de-
12 termined necessary by the Secretary.

13 (d) FUNDING.—Of the amount authorized to be ap-
14 propriated by section 301(5), \$5,000,000 shall be avail-
15 able for the Institute for Defense Computer Security and
16 Information Protection.

17 (e) REPORT.—Not later than April 1, 2001, the Sec-
18 retary shall submit to the congressional defense commit-
19 tees the Secretary's plan for implementing this section.

20 **SEC. 922. INFORMATION SECURITY SCHOLARSHIP PRO-**
21 **GRAM.**

22 (a) ESTABLISHMENT OF PROGRAM.—(1) Part III of
23 subtitle A of title 10, United States Code, is amended by
24 adding at the end the following new chapter:

1 **“CHAPTER 112—INFORMATION SECURITY**
 2 **SCHOLARSHIP PROGRAM**

“Sec.

“2200. Programs; purpose.

“2200a. Scholarship program.

“2200b. Grant program.

“2200c. Centers of Academic Excellence in Information Assurance Education.

“2200d. Regulations.

“2200e. Definitions.

“2200f. Inapplicability to Coast Guard.

3 **“§ 2200. Programs; purpose**

4 “(a) IN GENERAL.—To encourage the recruitment
 5 and retention of Department of Defense personnel who
 6 have the computer and network security skills necessary
 7 to meet Department of Defense information assurance re-
 8 quirements, the Secretary of Defense may carry out pro-
 9 grams in accordance with this chapter to provide financial
 10 support for education in disciplines relevant to those re-
 11 quirements at institutions of higher education.

12 “(b) TYPES OF PROGRAMS.—The programs author-
 13 ized under this chapter are as follows:

14 “(1) Scholarships for pursuit of programs of
 15 education in information assurance at institutions of
 16 higher education.

17 “(2) Grants to institutions of higher education.

18 **“§ 2200a. Scholarship program**

19 “(a) AUTHORITY.—The Secretary of Defense may,
 20 subject to subsection (g), provide financial assistance in
 21 accordance with this section to a person—

1 “(1) who is pursuing an associate, bacca-
2 laureate, or advanced degree, or a certification, in an
3 information assurance discipline referred to in sec-
4 tion 2200(a) of this title at an institution of higher
5 education; and

6 “(2) who enters into an agreement with the
7 Secretary as described in subsection (b).

8 “(b) SERVICE AGREEMENT FOR SCHOLARSHIP RE-
9 CIPIENTS.—(1) To receive financial assistance under this
10 section—

11 “(A) a member of the armed forces shall enter
12 into an agreement to serve on active duty in the
13 member’s armed force for the period of obligated
14 service determined under paragraph (2);

15 “(B) an employee of the Department of De-
16 fense shall enter into an agreement to continue in
17 the employment of the department for the period of
18 obligated service determined under paragraph (2);
19 and

20 “(C) a person not referred to in subparagraph
21 (A) or (B) shall enter into an agreement—

22 “(i) to enlist or accept a commission in one
23 of the armed forces and to serve on active duty
24 in that armed force for the period of obligated
25 service determined under paragraph (2); or

1 “(ii) to accept and continue employment in
2 the Department of Defense for the period of ob-
3 ligated service determined under paragraph (2).

4 “(2) For the purposes of this subsection, the period
5 of obligated service for a recipient of financial assistance
6 under this section shall be the period determined by the
7 Secretary of Defense as being appropriate to obtain ade-
8 quate service in exchange for the financial assistance and
9 otherwise to achieve the goals set forth in section 2200(a)
10 of this title. In no event may the period of service required
11 of a recipient be less than the period equal to three-fourths
12 of the total period of pursuit of a degree for which the
13 Secretary agrees to provide the recipient with financial as-
14 sistance under this section. The period of obligated service
15 is in addition to any other period for which the recipient
16 is obligated to serve on active duty or in the civil service,
17 as the case may be.

18 “(3) An agreement entered into under this section by
19 a person pursuing an academic degree shall include terms
20 that provide the following:

21 “(A) That the period of obligated service begins
22 on a date after the award of the degree that is de-
23 termined under the regulations prescribed under sec-
24 tion 2200d of this title.

1 “(B) That the person will maintain satisfactory
2 academic progress, as determined in accordance with
3 those regulations, and that failure to maintain such
4 progress constitutes grounds for termination of the
5 financial assistance for the person under this sec-
6 tion.

7 “(C) Any other terms and conditions that the
8 Secretary of Defense determines appropriate for car-
9 rying out this section.

10 “(c) AMOUNT OF ASSISTANCE.—The amount of the
11 financial assistance provided for a person under this sec-
12 tion shall be the amount determined by the Secretary of
13 Defense as being necessary to pay all educational expenses
14 incurred by that person, including tuition, fees, cost of
15 books, laboratory expenses, and expenses of room and
16 board. The expenses paid, however, shall be limited to
17 those educational expenses normally incurred by students
18 at the institution of higher education involved.

19 “(d) USE OF ASSISTANCE FOR SUPPORT OF INTERN-
20 SHIPS.—The financial assistance for a person under this
21 section may also be provided to support internship activi-
22 ties of the person at the Department of Defense in periods
23 between the academic years leading to the degree for
24 which assistance is provided the person under this section.

1 “(e) REFUND FOR PERIOD OF UNSERVED OBLI-
2 GATED SERVICE.—(1) A person who voluntarily termi-
3 nates service before the end of the period of obligated serv-
4 ice required under an agreement entered into under sub-
5 section (b) shall refund to the United States an amount
6 determined by the Secretary of Defense as being appro-
7 priate to obtain adequate service in exchange for financial
8 assistance and otherwise to achieve the goals set forth in
9 section 2200(a) of this title.

10 “(2) An obligation to reimburse the United States
11 imposed under paragraph (1) is for all purposes a debt
12 owed to the United States.

13 “(3) The Secretary of Defense may waive, in whole
14 or in part, a refund required under paragraph (1) if the
15 Secretary determines that recovery would be against eq-
16 uity and good conscience or would be contrary to the best
17 interests of the United States.

18 “(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A
19 discharge in bankruptcy under title 11 that is entered less
20 than five years after the termination of an agreement
21 under this section does not discharge the person signing
22 such agreement from a debt arising under such agreement
23 or under subsection (e).

24 “(g) ALLOCATION OF FUNDING.—Not less than 50
25 percent of the amount available for financial assistance

1 under this section for a fiscal year shall be available only
2 for providing financial assistance for the pursuit of de-
3 grees referred to in subsection (a) at institutions of higher
4 education that have established, improved, or are admin-
5 istering programs of education in information assurance
6 under the grant program established in section 2200b of
7 this title, as determined by the Secretary of Defense.

8 **“§ 2200b. Grant program**

9 “(a) AUTHORITY.—The Secretary of Defense may
10 provide grants of financial assistance to institutions of
11 higher education to support the establishment, improve-
12 ment, or administration of programs of education in infor-
13 mation assurance disciplines referred to in section 2200(a)
14 of this title.

15 “(b) PURPOSES.—The proceeds of grants under this
16 section may be used by an institution of higher education
17 for the following purposes:

18 “(1) Faculty development.

19 “(2) Curriculum development.

20 “(3) Laboratory improvements.

21 “(4) Faculty research in information security.

1 **“§ 2200c. Centers of Academic Excellence in Informa-**
2 **tion Assurance Education**

3 “In the selection of a recipient for the award of a
4 scholarship or grant under this chapter, consideration
5 shall be given to whether—

6 “(1) in the case of a scholarship, the institution
7 at which the recipient pursues a degree is a Center
8 of Academic Excellence in Information Assurance
9 Education; and

10 “(2) in the case of a grant, the recipient is a
11 Center of Academic Excellence in Information As-
12 surance Education.

13 **“§ 2200d. Regulations**

14 “The Secretary of Defense shall prescribe regulations
15 for the administration of this chapter.

16 **“§ 2200e. Definitions**

17 “In this chapter:

18 “(1) The term ‘information assurance’ includes
19 the following:

20 “(A) Computer security.

21 “(B) Network security.

22 “(C) Any other information technology
23 that the Secretary of Defense considers related
24 to information assurance.

1 “(2) The term ‘institution of higher education’
 2 has the meaning given the term in section 101 of the
 3 Higher Education Act of 1965 (20 U.S.C. 1001).

4 “(3) The term ‘Center of Academic Excellence
 5 in Information Assurance Education’ means an in-
 6 stitution of higher education that is designated by
 7 the Director of the National Security Agency as a
 8 Center of Academic Excellence in Information As-
 9 surance Education.

10 **“§ 2200f. Inapplicability to Coast Guard**

11 “‘This chapter does not apply to the Coast Guard
 12 when it is not operating as a service in the Navy.’”.

13 (2) The tables of chapters at the beginning of subtitle
 14 A of title 10, United States Code, and the beginning of
 15 part III of such subtitle are amended by inserting after
 16 the item relating to chapter 111 the following new item:
 “112. Information Security Scholarship Program 2200”.

17 (b) FUNDING.—Of the amount authorized to be ap-
 18 propriated by section 301(5), \$15,000,000 shall be avail-
 19 able for carrying out chapter 112 of title 10, United States
 20 Code (as added by subsection (a)).

21 (c) REPORT.—Not later than April 1, 2001, the Sec-
 22 retary of Defense shall submit to the congressional defense
 23 committees a plan for implementing the programs under
 24 chapter 112 of title 10, United States Code.

Subtitle D—Reports

SEC. 931. DATE OF SUBMITTAL OF REPORTS ON SHORT-FALLS IN EQUIPMENT PROCUREMENT AND MILITARY CONSTRUCTION FOR THE RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

Section 10543(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) A report required under paragraph (1) for a fiscal year shall be submitted not later than 15 days after the date on which the President submits to Congress the budget for such fiscal year under section 1105(a) of title 31.”.

SEC. 932. REPORT ON NUMBER OF PERSONNEL ASSIGNED TO LEGISLATIVE LIAISON FUNCTIONS.

(a) REPORT.—Not later than December 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the number of personnel of the Department of Defense performing legislative liaison functions as of April 1, 2000.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

1 (1) The number of military and civilian per-
2 sonnel of the Department of Defense assigned to
3 full-time legislative liaison functions, shown by orga-
4 nizational entity and by pay grade.

5 (2) The number of military and civilian per-
6 sonnel of the Department not covered by paragraph
7 (1) (other than personnel described in subsection
8 (e)) who perform legislative liaison functions as part
9 of their assigned duties, shown by organizational en-
10 tity and by pay grade.

11 (c) LEGISLATIVE LIAISON FUNCTIONS.—For pur-
12 poses of this section, a legislative liaison function is a
13 function (regardless of how characterized within the De-
14 partment of Defense) that has been established or des-
15 ignated to principally provide advice, information, and as-
16 sistance to the legislative branch on Department of De-
17 fense policies, plans, and programs.

18 (d) ORGANIZATIONAL ENTITIES.—The display of in-
19 formation under subsection (b) by organizational entity
20 shall be for the Department of Defense and for each mili-
21 tary department as a whole and separately for each orga-
22 nization at the level of major command or Defense Agency
23 or higher.

24 (e) PERSONNEL NOT COVERED.—Subsection (b)(2)
25 does not apply to civilian officers appointed by the Presi-

1 dent, by and with the advice and consent of the Senate,
2 or to general or flag officers.

3 **SEC. 933. JOINT REPORT ON ESTABLISHMENT OF NA-**
4 **TIONAL COLLABORATIVE INFORMATION**
5 **ANALYSIS CAPABILITY.**

6 (a) REPORT.—Not later than March 1, 2000, the
7 Secretary of Defense and the Director of Central Intel-
8 ligence shall submit to the congressional defense commit-
9 tees and the congressional intelligence committees a joint
10 report assessing alternatives for the establishment of a na-
11 tional collaborative information analysis capability. The
12 report shall include the following:

13 (1) An assessment of alternative architectures
14 to establish a national collaborative information
15 analysis capability to conduct data mining and
16 profiling of information from a wide array of elec-
17 tronic data sources.

18 (2) Identification, from among the various ar-
19 chitectures assessed under paragraph (1), of the pre-
20 ferred architecture and a detailed description of that
21 architecture and of a program to acquire and imple-
22 ment the capability that would be provided through
23 that architecture.

24 (3) A detailed explanation of how the personal
25 information resulting from the data mining and

1 profiling capability developed under the preferred ar-
2 chitecture will be employed consistent with the re-
3 quirements of section 552a of title 5, United States
4 Code

5 (b) COMPLETION AND USE OF ARMY LAND INFOR-
6 MATION WARFARE ACTIVITY.—The Secretary of
7 Defense—

8 (1) shall ensure that the data mining, profiling,
9 and analysis capability of the Army’s Land Informa-
10 tion Warfare Activity is completed and is fully oper-
11 ational as soon as possible; and

12 (2) shall make appropriate use of that capa-
13 bility to provide support to all appropriate national
14 defense components.

15 **SEC. 934. NETWORK CENTRIC WARFARE.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) Joint Vision 2020 set the goal for the De-
19 partment of Defense to pursue information superi-
20 ority in order that joint forces may possess superior
21 knowledge and attain decision superiority during op-
22 erations across the spectrum of conflict.

23 (2) One concept being pursued to attain infor-
24 mation superiority is known as Network Centric
25 Warfare. The concept of Network Centric Warfare

1 links sensors, communications systems and weapons
2 systems in an interconnected grid that allows for a
3 seamless information flow to warfighters, policy
4 makers, and support personnel.

5 (3) The Joint Staff, the Defense Agencies, and
6 the military departments are all pursuing various
7 concepts related to Network Centric Warfare.

8 (b) GOAL.—It shall be the goal of Department of De-
9 fense to fully coordinate various efforts being pursued by
10 the Joint Staff, the Defense Agencies, and the military
11 departments as they develop the concept of Network Cen-
12 tric Warfare.

13 (c) REPORT ON NETWORK CENTRIC WARFARE.—(1)
14 The Secretary of Defense shall submit to the congressional
15 defense committees a report on the development and im-
16 plementation of network centric warfare concepts within
17 the Department of Defense. The report shall be prepared
18 in consultation with the Chairman of the Joint Chiefs of
19 Staff.

20 (2) The report shall include the following:

21 (A) A clear definition and terminology to de-
22 scribe the set of operational concepts referred to as
23 “network centric warfare”.

24 (B) An identification and description of the cur-
25 rent and planned activities by the Office of the Sec-

1 retary of Defense, the Joint Chiefs of Staff, and the
2 United States Joint Forces Command relating to
3 network centric warfare.

4 (C) A discussion of how the concept of network
5 centric warfare is related to the strategy of trans-
6 formation as outlined in the document entitled
7 “Joint Vision 2020”, along with the advantages and
8 disadvantages of pursuing that concept.

9 (D) A discussion on how the Department is im-
10 plementing the concepts of network centric warfare
11 as it relates to information superiority and decision
12 superiority articulated in “Joint Vision 2020.”

13 (E) An identification and description of the cur-
14 rent and planned activities of each of the Armed
15 Forces relating to network centric warfare.

16 (F) A discussion on how the Department plans
17 to attain a fully integrated, joint command, control,
18 communications, computers, intelligence, surveil-
19 lance, and reconnaissance (C⁴ISR) capability.

20 (G) A description of the joint requirements
21 under development that will lead to the acquisition
22 of technologies for enabling network centric warfare
23 and whether those joint requirements are modifying
24 existing service requirements and vision statements.

1 (H) A discussion of how Department of Defense
2 activities to establish a joint network centric capa-
3 bility are coordinated with other departments and
4 agencies of the United States and with United
5 States allies.

6 (I) A discussion of the coordination of the
7 science and technology investments of the military
8 departments and Defense Agencies in the develop-
9 ment of future joint network centric warfare capa-
10 bilities.

11 (J) The methodology being used to measure
12 progress toward stated goals.

13 (d) STUDY ON THE USE OF JOINT EXPERIMEN-
14 TATION FOR DEVELOPING NETWORK CENTRIC WARFARE
15 CONCEPTS.—(1) The Secretary of Defense shall conduct
16 a study on the present and future use of the joint experi-
17 mentation program of the Department of Defense in the
18 development of network centric warfare concepts.

19 (2) The Secretary shall submit to the congressional
20 defense committees a report on the results of the study.
21 The report shall include the following:

22 (A) A survey of and description of how experi-
23 mentation under the joint experimentation at United
24 States Joint Forces Command is being used for

1 evaluating emerging concepts in network centric
2 warfare.

3 (B) A survey of and description of how experi-
4 mentation under the joint experimentation of each of
5 the armed services are being used for evaluating
6 emerging concepts in network centric warfare.

7 (C) A description of any emerging concepts and
8 recommendations developed by those experiments,
9 with special emphasis on force structure implica-
10 tions.

11 (3) The Secretary of Defense, acting through the
12 Chairman of the Joint Chief of Staff, shall designate the
13 Commander in Chief of the United States Joint Forces
14 Command to carry out the study and prepare the report
15 required under this subsection.

16 (e) TIME FOR SUBMISSION OF REPORTS.—Each re-
17 port required under this section shall be submitted not
18 later than March 1, 2001.

19 **SEC. 935. REPORT ON AIR FORCE INSTITUTE OF TECH-**
20 **NOLOGY.**

21 (a) REPORT REQUIRED.—Not later than September
22 30, 2001, the Secretary of the Air Force shall submit to
23 the Committee on Armed Services of the Senate and the
24 Committee on Armed Services of the House of Represent-
25 atives a report on the roles and missions, organizational

1 structure, funding, and operations of the Air Force Insti-
2 tute of Technology as projected through 2010.

3 (b) MATTERS TO BE INCLUDED.—The report shall
4 provide—

5 (1) a statement of the Institute's roles and mis-
6 sions through 2010 in meeting the critical scientific
7 and educational requirements of the Air Force;

8 (2) a statement of the strategic priorities for
9 the Institute in meeting long-term core science and
10 technology educational needs of the Air Force; and

11 (3) a plan for the near-term increase in the pro-
12 duction by the Institute of masters and doctoral de-
13 gree graduates.

14 (c) RECOMMENDATIONS TO BE PROVIDED.—Based
15 on the matters determined for purposes of subsection (b),
16 the report shall include recommendations of the Secretary
17 of the Air Force with respect to the following:

18 (1) The grade of the Commandant of the Insti-
19 tute.

20 (2) The chain of command of the Commandant
21 within the Air Force.

22 (3) The employment and compensation of civil-
23 ian professors at the Institute.

24 (4) The processes for the identification of re-
25 quirements for personnel with advanced degrees

1 within the Air Force and identification and selection
2 of candidates for annual enrollment at the Institute.

3 (5) Postgraduation opportunities within the Air
4 Force for graduates of the Institute.

5 (6) The policies and practices regarding the ad-
6 mission to the Institute of—

7 (A) officers of the Army, Navy, Marine
8 Corps, and Coast Guard;

9 (B) employees of the Department of the
10 Army, Department of the Navy, and Depart-
11 ment of Transportation;

12 (C) personnel of the military forces of for-
13 eign countries;

14 (D) enlisted members of the Armed
15 Forces; and

16 (E) other persons eligible for admission.

17 (7) Near- and long-term funding of the insti-
18 tute.

19 (8) Opportunities for cooperation, collaboration,
20 and joint endeavors with other military and civilian
21 scientific and technical educational institutions for
22 the production of qualified personnel to meet De-
23 partment of Defense scientific and technical require-
24 ments.

1 (d) CONSULTATION.—The report shall be prepared in
2 consultation with the Chief of Staff of the Air Force and
3 the Commander of the Air Force Materiel Command.

4 **Subtitle E—Other Matters**

5 **SEC. 941. FLEXIBILITY IN IMPLEMENTATION OF LIMITA-** 6 **TION ON MAJOR DEPARTMENT OF DEFENSE** 7 **HEADQUARTERS ACTIVITIES PERSONNEL.**

8 Section 130a of title 10, United States Code, is
9 amended by adding at the end the following new sub-
10 section:

11 “(g) FLEXIBILITY.—(1) If during fiscal year 2001 or
12 fiscal year 2002 the Secretary of Defense determines, and
13 certifies to Congress, that the limitation under subsection
14 (a), or a limitation under subsection (b), would adversely
15 affect United States national security, the Secretary may
16 take any of the following actions:

17 “(A) Increase the percentage specified in sub-
18 section (b)(1) by such amount as the Secretary de-
19 termines necessary or waive the limitation under
20 that subsection.

21 “(B) Increase the percentage specified in sub-
22 section (b)(2) by such amount as the Secretary de-
23 termines necessary, not to exceed a cumulative in-
24 crease of 7.5 percentage points.

1 “(C) Increase the percentage specified in sub-
2 section (a) by such amount as the Secretary deter-
3 mines necessary, not to exceed a cumulative increase
4 of 7.5 percentage points.

5 “(2) Any certification under paragraph (1) shall in-
6 clude notice of the specific waiver or increases made pur-
7 suant to the authority provided in that paragraph.”.

8 **SEC. 942. CONSOLIDATION OF CERTAIN NAVY GIFT FUNDS.**

9 (a) MERGER OF NAVAL HISTORICAL CENTER FUND
10 INTO DEPARTMENT OF THE NAVY GENERAL GIFT
11 FUND.—(1) The Secretary of the Navy shall transfer all
12 amounts in the Naval Historical Center Fund maintained
13 under section 7222 of title 10, United States Code, to the
14 Department of the Navy General Gift Fund maintained
15 under section 2601 of such title. Upon completing the
16 transfer, the Secretary shall close the Naval Historical
17 Center Fund.

18 (2) Amounts transferred to the Department of the
19 Navy General Gift Fund under this subsection shall be
20 merged with other amounts in that Fund and shall be
21 available for the purposes for which amounts in that Fund
22 are available.

23 (b) CONSOLIDATION OF NAVAL ACADEMY GENERAL
24 GIFT FUND AND NAVAL ACADEMY MUSEUM FUND.—(1)
25 The Secretary of the Navy shall transfer all amounts in

1 the United States Naval Academy Museum Fund estab-
2 lished by section 6974 of title 10, United States Code, to
3 the gift fund maintained for the benefit and use of the
4 United States Naval Academy under section 6973 of such
5 title. Upon completing the transfer, the Secretary shall
6 close the United States Naval Academy Museum Fund.

7 (2) Amounts transferred under this subsection shall
8 be merged with other amounts in the gift fund to which
9 transferred and shall be available for the purposes for
10 which amounts in that gift fund are available.

11 (c) CONSOLIDATION AND REVISION OF AUTHORITIES
12 FOR ACCEPTANCE OF GIFTS, BEQUESTS, AND LOANS FOR
13 THE UNITED STATES NAVAL ACADEMY.—(1) Subsection
14 (a) of section 6973 of title 10, United States Code, is
15 amended—

16 (A) in the first sentence—

17 (i) by striking “gifts and bequests of per-
18 sonal property” and inserting “any gift or be-
19 quest of personal property, and may accept,
20 hold, and administer any loan of personal prop-
21 erty other than money, that is”; and

22 (ii) by inserting “or the Naval Academy
23 Museum, its collection, or its services” before
24 the period at the end;

1 (B) in the second sentence, by striking
2 “‘United States Naval Academy general gift fund’”
3 and inserting “‘United States Naval Academy Gift
4 and Museum Fund’”; and

5 (C) in the third sentence, by inserting “(includ-
6 ing the Naval Academy Museum)” after “the Naval
7 Academy”.

8 (2) Such section is further amended—

9 (A) by redesignating subsections (b) and (c) as
10 subsections (c) and (d), respectively; and

11 (B) by inserting after subsection (a) the fol-
12 lowing new subsection (b):

13 “(b) The Secretary shall prescribe written guidelines
14 to be used for determinations of whether the acceptance
15 of money, any personal property, or any loan of personal
16 property under subsection (a) would reflect unfavorably on
17 the ability of the Department of the Navy or any officer
18 or employee of the Department of the Navy to carry out
19 responsibilities or duties in a fair and objective manner,
20 or would compromise either the integrity or the appear-
21 ance of the integrity of any program of the Department
22 of the Navy or any officer or employee of the Department
23 of the Navy who is involved in any such program.”.

24 (3) Subsection (d) of such section, as redesignated
25 by paragraph (2)(A), is amended by striking “United

1 States Naval Academy general gift fund” both places it
2 appears and inserting “United States Naval Academy Gift
3 and Museum Fund”.

4 (4) The heading for such section is amended to read
5 as follows:

6 **“§ 6973. Gifts, bequests, and loans of property: accept-**
7 **ance for benefit and use of Naval Acad-**
8 **emy”.**

9 (d) REFERENCES TO CLOSED GIFT FUNDS.—(1)
10 Section 6974 of title 10, United States Code, is amended
11 to read as follows:

12 **“§ 6974. United States Naval Academy Museum Fund:**
13 **references to Fund**

14 “Any reference in a law, regulation, document, paper,
15 or other record of the United States to the United States
16 Naval Academy Museum Fund formerly maintained under
17 this section shall be deemed to refer to the United States
18 Naval Academy Gift and Museum Fund maintained under
19 section 6973 of this title.”.

20 (2) Section 7222 of such title is amended to read as
21 follows:

22 **“§ 7222. Naval Historical Center Fund: references to**
23 **Fund**

24 “Any reference in a law, regulation, document, paper,
25 or other record of the United States to the Naval Histor-

1 ical Center Fund formerly maintained under this section
 2 shall be deemed to refer to the Department of the Navy
 3 General Gift Fund maintained under section 2601 of this
 4 title.”.

5 (e) CLERICAL AMENDMENTS.—(1) The table of sec-
 6 tions at the beginning of chapter 603 of title 10, United
 7 States Code, is amended by striking the items relating to
 8 sections 6973 and 6974 and inserting the following:

“6973. Gifts, bequests, and loans of property: acceptance for benefit and use
 of Naval Academy.

“6974. United States Naval Academy Museum Fund: references to Fund.”.

9 (2) The item relating to section 7222 of such title
 10 in the table of sections at the beginning of chapter 631
 11 of such title is amended to read as follows:

“7222. Naval Historical Center Fund: references to Fund.”.

12 **SEC. 943. TEMPORARY AUTHORITY TO DISPOSE OF A GIFT**
 13 **PREVIOUSLY ACCEPTED FOR THE NAVAL**
 14 **ACADEMY.**

15 Notwithstanding section 6973 of title 10, United
 16 States Code, during fiscal year 2001 the Secretary of the
 17 Navy may dispose of a gift accepted before the date of
 18 the enactment of this Act for the United States Naval
 19 Academy by disbursing from the United States Naval
 20 Academy general gift fund to an entity designated by the
 21 donor of the gift the amount equal to the current cash
 22 value of that gift.

1 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

- Sec. 1001. Transfer authority.
- Sec. 1002. Incorporation of classified annex.
- Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 2000.
- Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2001.
- Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2001.
- Sec. 1006. Requirement for prompt payment of contract vouchers.
- Sec. 1007. Plan for prompt recording of obligations of funds for contractual transactions.
- Sec. 1008. Electronic submission and processing of claims for contract payments.
- Sec. 1009. Administrative offsets for overpayment of transportation costs.
- Sec. 1010. Interest penalties for late payment of interim payments due under Government service contracts.

Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. Revisions to national defense features program.
- Sec. 1012. Sense of Congress on the naming of the CVN-77 aircraft carrier.
- Sec. 1013. Authority to transfer naval vessels to certain foreign countries.
- Sec. 1014. Authority to consent to retransfer of alternative former naval vessel by Government of Greece.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Extension of authority to provide support for counter-drug activities of Colombia.
- Sec. 1022. Report on Department of Defense expenditures to support foreign counter-drug activities.
- Sec. 1023. Recommendations on expansion of support for counter-drug activities.
- Sec. 1024. Review of riverine counter-drug program.
- Sec. 1025. Report on tethered aerostat radar system.
- Sec. 1026. Sense of Congress regarding use of Armed Forces for counter-drug and counter-terrorism activities.

Subtitle D—Counterterrorism and Domestic Preparedness

- Sec. 1031. Preparedness of military installation first responders for incidents involving weapons of mass destruction.
- Sec. 1032. Additional weapons of mass destruction civil support teams.
- Sec. 1033. Authority to provide loan guarantees to improve domestic preparedness to combat cyberterrorism.
- Sec. 1034. Report on the status of domestic preparedness against the threat of biological terrorism.
- Sec. 1035. Report on strategy, policies, and programs to combat domestic terrorism.

Subtitle E—Strategic Forces

- Sec. 1041. Revised nuclear posture review.
- Sec. 1042. Plan for the long-term sustainment and modernization of United States strategic nuclear forces.
- Sec. 1043. Modification of scope of waiver authority for limitation on retirement or dismantlement of strategic nuclear delivery systems.
- Sec. 1044. Report on the defeat of hardened and deeply buried targets.
- Sec. 1045. Sense of Congress on the maintenance of the strategic nuclear triad.

Subtitle F—Miscellaneous Reporting Requirements

- Sec. 1051. Management review of working-capital fund activities.
- Sec. 1052. Report on submarine rescue support vessels.
- Sec. 1053. Report on Federal Government progress in developing information assurance strategies.
- Sec. 1054. Department of Defense process for decisionmaking in cases of false claims.

Subtitle G—Government Information Security Reform

- Sec. 1061. Coordination of Federal information policy.
- Sec. 1062. Responsibilities of certain agencies.
- Sec. 1063. Relationship of Defense Information Assurance Program to Government-wide information security program.
- Sec. 1064. Technical and conforming amendments.
- Sec. 1065. Effective date.

Subtitle H—Security Matters

- Sec. 1071. Limitation on granting of security clearances.
- Sec. 1072. Process for prioritizing background investigations for security clearances for Department of Defense personnel and defense contractor personnel.
- Sec. 1073. Authority to withhold certain sensitive information from public disclosure.
- Sec. 1074. Expansion of authority to exempt geodetic products of the Department of Defense from public disclosure.
- Sec. 1075. Expenditures for declassification activities.
- Sec. 1076. Enhanced access to criminal history record information for national security and other purposes.
- Sec. 1077. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
- Sec. 1078. Coordination of nuclear weapons secrecy policies and consideration of health of workers at former Department of Defense nuclear facilities.

Subtitle I—Other Matters

- Sec. 1081. Funds for administrative expenses under Defense Export Loan Guarantee program.
- Sec. 1082. Transit pass program for Department of Defense personnel in poor air quality areas.
- Sec. 1083. Transfer of Vietnam era TA-4 aircraft to nonprofit foundation.
- Sec. 1084. Transfer of 19th century cannon to museum.
- Sec. 1085. Fees for providing historical information to the public.
- Sec. 1086. Grants to American Red Cross for Armed Forces emergency services.
- Sec. 1087. Technical and clerical amendments.

Sec. 1088. Maximum size of parcel post packages transported overseas for Armed Forces post offices.

Sec. 1089. Sense of Congress regarding tax treatment of members receiving special pay for duty subject to hostile fire or imminent danger.

Sec. 1090. Organization and management of Civil Air Patrol.

Sec. 1091. Additional duties for Commission to Assess United States National Security Space Management and Organization.

Sec. 1092. Commission on the Future of the United States Aerospace Industry.

Sec. 1093. Drug addiction treatment.

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. TRANSFER AUTHORITY.**

3 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

4 (1) Upon determination by the Secretary of Defense that
 5 such action is necessary in the national interest, the Sec-
 6 retary may transfer amounts of authorizations made avail-
 7 able to the Department of Defense in this division for fis-
 8 cal year 2001 between any such authorizations for that
 9 fiscal year (or any subdivisions thereof). Amounts of au-
 10 thorizations so transferred shall be merged with and be
 11 available for the same purposes as the authorization to
 12 which transferred.

13 (2) The total amount of authorizations that the Sec-
 14 retary may transfer under the authority of this section
 15 may not exceed \$2,000,000,000.

16 (b) LIMITATIONS.—The authority provided by this
 17 section to transfer authorizations—

18 (1) may only be used to provide authority for
 19 items that have a higher priority than the items
 20 from which authority is transferred; and

1 (2) may not be used to provide authority for an
2 item that has been denied authorization by Con-
3 gress.

4 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
5 transfer made from one account to another under the au-
6 thority of this section shall be deemed to increase the
7 amount authorized for the account to which the amount
8 is transferred by an amount equal to the amount trans-
9 ferred.

10 (d) NOTICE TO CONGRESS.—The Secretary shall
11 promptly notify Congress of each transfer made under
12 subsection (a).

13 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

14 (a) STATUS OF CLASSIFIED ANNEX.—The Classified
15 Annex prepared by the committee of conference to accom-
16 pany the conference report on the bill H.R. 4205 of the
17 One Hundred Sixth Congress and transmitted to the
18 President is hereby incorporated into this Act.

19 (b) CONSTRUCTION WITH OTHER PROVISIONS OF
20 ACT.—The amounts specified in the Classified Annex are
21 not in addition to amounts authorized to be appropriated
22 by other provisions of this Act.

23 (c) LIMITATION ON USE OF FUNDS.—Funds appro-
24 priated pursuant to an authorization contained in this Act
25 that are made available for a program, project, or activity

1 referred to in the Classified Annex may only be expended
2 for such program, project, or activity in accordance with
3 such terms, conditions, limitations, restrictions, and re-
4 quirements as are set out for that program, project, or
5 activity in the Classified Annex.

6 (d) DISTRIBUTION OF CLASSIFIED ANNEX.—The
7 President shall provide for appropriate distribution of the
8 Classified Annex, or of appropriate portions of the annex,
9 within the executive branch of the Government.

10 **SEC. 1003. AUTHORIZATION OF EMERGENCY SUPPLE-**
11 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**
12 **2000.**

13 Amounts authorized to be appropriated to the De-
14 partment of Defense for fiscal year 2000 in the National
15 Defense Authorization Act for Fiscal Year 2000 (Public
16 Law 106–65) are hereby adjusted, with respect to any
17 such authorized amount, by the amount by which appro-
18 priations pursuant to such authorization were increased
19 (by a supplemental appropriation) or decreased (by a re-
20 scission), or both, in the Emergency Supplemental Act,
21 2000 (division B of Public Law 106–246) or in title IX
22 of the Department of Defense Appropriations Act, 2001
23 (Public Law 106–259).

1 **SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COM-**
2 **MON-FUNDED BUDGETS IN FISCAL YEAR 2001.**

3 (a) FISCAL YEAR 2001 LIMITATION.—The total
4 amount contributed by the Secretary of Defense in fiscal
5 year 2001 for the common-funded budgets of NATO may
6 be any amount up to, but not in excess of, the amount
7 specified in subsection (b) (rather than the maximum
8 amount that would otherwise be applicable to those con-
9 tributions under the fiscal year 1998 baseline limitation).

10 (b) TOTAL AMOUNT.—The amount of the limitation
11 applicable under subsection (a) is the sum of the following:

12 (1) The amounts of unexpended balances, as of
13 the end of fiscal year 2000, of funds appropriated
14 for fiscal years before fiscal year 2001 for payments
15 for those budgets.

16 (2) The amount specified in subsection (c)(1).

17 (3) The amount specified in subsection (c)(2).

18 (4) The total amount of the contributions au-
19 thorized to be made under section 2501.

20 (c) AUTHORIZED AMOUNTS.—Amounts authorized to
21 be appropriated by titles II and III of this Act are avail-
22 able for contributions for the common-funded budgets of
23 NATO as follows:

24 (1) Of the amount provided in section 201(1),
25 \$743,000 for the Civil Budget.

1 (2) Of the amount provided in section 301(1),
2 \$181,981,000 for the Military Budget.

3 (d) DEFINITIONS.—For purposes of this section:

4 (1) COMMON-FUNDED BUDGETS OF NATO.—
5 The term “common-funded budgets of NATO”
6 means the Military Budget, the Security Investment
7 Program, and the Civil Budget of the North Atlantic
8 Treaty Organization (and any successor or addi-
9 tional account or program of NATO).

10 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—
11 The term “fiscal year 1998 baseline limitation”
12 means the maximum annual amount of Department
13 of Defense contributions for common-funded budgets
14 of NATO that is set forth as the annual limitation
15 in section 3(2)(C)(ii) of the resolution of the Senate
16 giving the advice and consent of the Senate to the
17 ratification of the Protocols to the North Atlantic
18 Treaty of 1949 on the Accession of Poland, Hun-
19 gary, and the Czech Republic (as defined in section
20 4(7) of that resolution), approved by the Senate on
21 April 30, 1998.

1 **SEC. 1005. LIMITATION ON FUNDS FOR BOSNIA AND**
2 **KOSOVO PEACEKEEPING OPERATIONS FOR**
3 **FISCAL YEAR 2001.**

4 (a) LIMITATION.—Of the amounts authorized to be
5 appropriated by section 301(24) for the Overseas Contin-
6 gency Operations Transfer Fund—

7 (1) no more than \$1,387,800,000 may be obli-
8 gated for incremental costs of the Armed Forces for
9 Bosnia peacekeeping operations; and

10 (2) no more than \$1,650,400,000 may be obli-
11 gated for incremental costs of the Armed Forces for
12 Kosovo peacekeeping operations.

13 (b) PRESIDENTIAL WAIVER.—The President may
14 waive the limitation in subsection (a)(1), or the limitation
15 in subsection (a)(2), after submitting to Congress the fol-
16 lowing:

17 (1) The President's written certification that
18 the waiver is necessary in the national security inter-
19 ests of the United States.

20 (2) The President's written certification that
21 exercising the waiver will not adversely affect the
22 readiness of United States military forces.

23 (3) A report setting forth the following:

24 (A) The reasons that the waiver is nec-
25 essary in the national security interests of the
26 United States.

1 (B) The specific reasons that additional
2 funding is required for the continued presence
3 of United States military forces participating
4 in, or supporting, Bosnia peacekeeping oper-
5 ations, or Kosovo peacekeeping operations, as
6 the case may be, for fiscal year 2001.

7 (C) A discussion of the impact on the mili-
8 tary readiness of United States Armed Forces
9 of the continuing deployment of United States
10 military forces participating in, or supporting,
11 Bosnia peacekeeping operations, or Kosovo
12 peacekeeping operations, as the case may be.

13 (4) A supplemental appropriations request for
14 the Department of Defense for such amounts as are
15 necessary for the additional fiscal year 2001 costs
16 associated with United States military forces partici-
17 pating in, or supporting, Bosnia or Kosovo peace-
18 keeping operations.

19 (c) PEACEKEEPING OPERATIONS DEFINED.—For the
20 purposes of this section:

21 (1) The term “Bosnia peacekeeping operations”
22 has the meaning given such term in section 1004(e)
23 of the Strom Thurmond National Defense Author-
24 ization Act for Fiscal Year 1999 (Public Law 105–
25 261; 112 Stat. 2112).

1 (2) The term “Kosovo peacekeeping
2 operations”—

3 (A) means the operation designated as Op-
4 eration Joint Guardian and any other operation
5 involving the participation of any of the Armed
6 Forces in peacekeeping or peace enforcement
7 activities in and around Kosovo; and

8 (B) includes, with respect to Operation
9 Joint Guardian or any such other operation,
10 each activity that is directly related to the sup-
11 port of the operation.

12 **SEC. 1006. REQUIREMENT FOR PROMPT PAYMENT OF CON-**
13 **TRACT VOUCHERS.**

14 (a) REQUIREMENT.—(1) Chapter 131 of title 10,
15 United States Code, is amended by adding after section
16 2225, as added by section 812(a)(1), the following new
17 section:

18 **“§ 2226. Contracted property and services: prompt**
19 **payment of vouchers**

20 “(a) REQUIREMENT.—Of the contract vouchers that
21 are received by the Defense Finance and Accounting Serv-
22 ice by means of the mechanization of contract administra-
23 tion services system, the number of such vouchers that re-
24 main unpaid for more than 30 days as of the last day
25 of each month may not exceed 5 percent of the total num-

1 ber of the contract vouchers so received that remain un-
2 paid on that day.

3 “(b) CONTRACT VOUCHER DEFINED.—In this sec-
4 tion, the term ‘contract voucher’ means a voucher or in-
5 voice for the payment to a contractor for services, commer-
6 cial items (as defined in section 4(12) of the Office of Fed-
7 eral Procurement Policy Act (41 U.S.C. 403(12))), or
8 other deliverable items provided by the contractor under
9 a contract funded by the Department of Defense.”.

10 (2) The table of sections at the beginning of such
11 chapter is amended by adding after the item relating to
12 section 2225, as added by section 812(a)(2), the following
13 new item:

“2226. Contracted property and services: prompt payment of vouchers.”.

14 (b) EFFECTIVE DATE.—Section 2226 of title 10,
15 United States Code (as added by subsection (a)), shall
16 take effect on December 1, 2000.

17 (c) CONDITIONAL REQUIREMENT FOR REPORT.—(1)
18 If for any month of the noncompliance reporting period
19 the requirement in section 2226 of title 10, United States
20 Code (as added by subsection (a)), is not met, the Sec-
21 retary of Defense shall submit to the Committee on Armed
22 Services of the Senate and the Committee on Armed Serv-
23 ices of the House of Representatives a report on the mag-
24 nitude of the unpaid contract vouchers. The report for a

1 month shall be submitted not later than 30 days after the
2 end of that month.

3 (2) A report for a month under paragraph (1) shall
4 include information current as of the last day of the month
5 as follows:

6 (A) The number of the vouchers received by the
7 Defense Finance and Accounting Service by means
8 of the mechanization of contract administration
9 services system during each month.

10 (B) The number of the vouchers so received,
11 whenever received by the Defense Finance and Ac-
12 counting Service, that remain unpaid for each of the
13 following periods:

14 (i) Over 30 days and not more than 60
15 days.

16 (ii) Over 60 days and not more than 90
17 days.

18 (iii) More than 90 days.

19 (C) The number of the vouchers so received
20 that remain unpaid for the major categories of pro-
21 curements, as defined by the Secretary of Defense.

22 (D) The corrective actions that are necessary,
23 and those that are being taken, to ensure compliance
24 with the requirement in subsection (a).

25 (3) For purposes of this subsection:

1 (A) The term “noncompliance reporting period”
2 means the period beginning on December 1, 2000,
3 and ending on November 30, 2004.

4 (B) The term “contract voucher” has the mean-
5 ing given that term in section 2226(b) of title 10,
6 United States Code (as added by subsection (a)).

7 **SEC. 1007. PLAN FOR PROMPT RECORDING OF OBLIGA-**
8 **TIONS OF FUNDS FOR CONTRACTUAL TRANS-**
9 **ACTIONS.**

10 (a) REQUIREMENT FOR PLAN.—The Secretary of De-
11 fense shall submit to the Committees on Armed Services
12 of the Senate and the House of Representatives, not later
13 than November 15, 2000, a plan for ensuring that each
14 obligation of the Department of Defense under a trans-
15 action described in subsection (c) be recorded in the ap-
16 propriate financial administration systems of the Depart-
17 ment of Defense not later than 10 days after the date on
18 which the obligation is incurred.

19 (b) CONTENT OF PLAN.—The plan under subsection
20 (a) shall provide for the following:

21 (1) The recording of obligations in accordance
22 with requirements that apply uniformly throughout
23 the Department of Defense, including requirements
24 for the recording of detailed data on each such obli-
25 gation.

1 (2) A system of accounting classification ref-
2 erence numbers for the recording of obligations that
3 applies uniformly throughout the Department of De-
4 fense.

5 (3) A discussion of how the plan is to be imple-
6 mented, including a schedule for implementation.

7 (c) COVERED TRANSACTIONS.—The plan shall apply
8 to each obligation under any of the following transactions
9 of the Department of Defense:

10 (1) A contract.

11 (2) A grant.

12 (3) A cooperative agreement.

13 (4) A transaction authorized under section
14 2371 of title 10, United States Code.

15 **SEC. 1008. ELECTRONIC SUBMISSION AND PROCESSING OF**
16 **CLAIMS FOR CONTRACT PAYMENTS.**

17 (a) REQUIREMENTS.—(1) Chapter 131 of title 10,
18 United States Code, is amended by adding after section
19 2226, as added by section 1006(a)(1), the following new
20 section:

21 **“§ 2227. Electronic submission and processing of**
22 **claims for contract payments**

23 “(a) SUBMISSION OF CLAIMS.—The Secretary of De-
24 fense shall require that any claim for payment under a

1 Department of Defense contract shall be submitted to the
2 Department of Defense in electronic form.

3 “(b) PROCESSING.—A contracting officer, contract
4 administrator, certifying official, or other officer or em-
5 ployee of the Department of Defense who receives a claim
6 for payment in electronic form in accordance with sub-
7 section (a) and is required to transmit the claim to any
8 other officer or employee of the Department of Defense
9 for processing under procedures of the department shall
10 transmit the claim and any additional documentation nec-
11 essary to support the determination and payment of the
12 claim to such other officer or employee electronically.

13 “(c) WAIVER AUTHORITY.—If the Secretary of De-
14 fense determines that the requirement for using electronic
15 means for submitting claims under subsection (a), or for
16 transmitting claims and supporting documentation under
17 subsection (b), is unduly burdensome in any category of
18 cases, the Secretary may exempt the cases in that category
19 from the application of the requirement.

20 “(d) IMPLEMENTATION OF REQUIREMENTS.—In im-
21 plementing subsections (a) and (b), the Secretary of De-
22 fense shall provide for the following:

23 “(1) Policies, requirements, and procedures for
24 using electronic means for the submission of claims
25 for payment to the Department of Defense and for

1 the transmission, between Department of Defense
2 officials, of claims for payment received in electronic
3 form, together with supporting documentation (such
4 as receiving reports, contracts and contract modi-
5 fications, and required certifications).

6 “(2) The format in which information can be
7 accepted by the corporate database of the Defense
8 Finance and Accounting Service.

9 “(3) The requirements to be included in con-
10 tracts regarding the electronic submission of claims
11 for payment by contractors.

12 “(e) CLAIM FOR PAYMENT DEFINED.—In this sec-
13 tion, the term ‘claim for payment’ means an invoice or
14 any other demand or request for payment.”.

15 (2) The table of sections at the beginning of such
16 chapter is amended by adding after the item relating to
17 section 2226, as added by section 1006(a)(2), the fol-
18 lowing new item:

“2227. Electronic submission and processing of claims for contract payments.”.

19 (b) IMPLEMENTATION PLAN.—Not later than March
20 30, 2001, the Secretary of Defense shall submit to the
21 Committees on Armed Services of the Senate and the
22 House of Representatives a plan for the implementation
23 of the requirements imposed under section 2227 of title
24 10, United States Code (as added by subsection (a)). The

1 plan shall provide for each of the matters specified in sub-
2 section (d) of that section.

3 (c) APPLICABILITY.—(1) Subject to paragraph (2),
4 the Secretary of Defense shall apply section 2227 of title
5 10, United States Code (as added by subsection (a)), with
6 respect to contracts for which solicitations of offers are
7 issued after June 30, 2001.

8 (2)(A) The Secretary may delay the implementation
9 of section 2227 to a date after June 30, 2001, upon a
10 finding that it is impracticable to implement that section
11 until that later date. In no event, however, may the imple-
12 mentation be delayed to a date after October 1, 2002.

13 (B) Upon determining to delay the implementation
14 of such section 2227 to a later date under subparagraph
15 (A), the Secretary shall promptly publish a notice of the
16 delay in the Federal Register. The notice shall include a
17 specification of the later date on which the implementation
18 of that section is to begin. Not later than 30 days before
19 the later implementation date, the Secretary shall publish
20 in the Federal Register another notice that such section
21 is being implemented beginning on that date.

1 **SEC. 1009. ADMINISTRATIVE OFFSETS FOR OVERPAYMENT**
2 **OF TRANSPORTATION COSTS.**

3 (a) OFFSETS FOR OVERPAYMENTS OR LIQUIDATED
4 DAMAGES.—(1) Section 2636 of title 10, United States
5 Code, is amended to read as follows:

6 **“§ 2636. Deductions from amounts due carriers**

7 “(a) AMOUNTS FOR LOSS OR DAMAGE.—An amount
8 deducted from an amount due a carrier shall be credited
9 as follows:

10 “(1) If deducted because of loss of or damage
11 to material in transit for a military department, the
12 amount shall be credited to the proper appropria-
13 tion, account, or fund from which the same or simi-
14 lar material may be replaced.

15 “(2) If deducted as an administrative offset for
16 an overpayment previously made to the carrier under
17 any Department of Defense contract for transpor-
18 tation services or as liquidated damages due under
19 any such contract, the amount shall be credited to
20 the appropriation or account from which payments
21 for the transportation services were made.

22 “(b) SIMPLIFIED OFFSET FOR COLLECTION OF
23 CLAIMS NOT IN EXCESS OF THE SIMPLIFIED ACQUISI-
24 TION THRESHOLD.—(1) In any case in which the total
25 amount of a claim for the recovery of overpayments or
26 liquidated damages under a contract described in sub-

1 section (a)(2) does not exceed the simplified acquisition
2 threshold, the Secretary of Defense or the Secretary con-
3 cerned, in exercising the authority to collect the claim by
4 administrative offset under section 3716 of title 31, may
5 apply paragraphs (2) and (3) of subsection (a) of that sec-
6 tion with respect to that collection after (rather than be-
7 fore) the claim is so collected.

8 “(2) Regulations prescribed by the Secretary of De-
9 fense under subsection (b) of section 3716 of title 31—

10 “(A) shall include provisions to carry out para-
11 graph (1); and

12 “(B) shall provide the carrier for a claim sub-
13 ject to paragraph (1) with an opportunity to offer an
14 alternative method of repaying the claim (rather
15 than by administrative offset) if the collection of the
16 claim by administrative offset has not already been
17 made.

18 “(3) In this subsection, the term ‘simplified acquisi-
19 tion threshold’ has the meaning given that term in section
20 4(11) of the Office of Federal Procurement Policy Act (41
21 U.S.C. 403(11)).”.

22 (2) The item relating to such section in the table of
23 sections at the beginning of chapter 157 of such title is
24 amended to read as follows:

“2636. Deductions from amounts due carriers.”.

1 (b) EFFECTIVE DATE.—Subsections (a)(2) and (b)
2 of section 2636 of title 10, United States Code, as added
3 by subsection (a)(1), shall apply with respect to contracts
4 entered into after the date of the enactment of this Act.

5 **SEC. 1010. INTEREST PENALTIES FOR LATE PAYMENT OF**
6 **INTERIM PAYMENTS DUE UNDER GOVERN-**
7 **MENT SERVICE CONTRACTS.**

8 (a) PROMPT PAYMENT REQUIREMENT FOR INTERIM
9 PAYMENTS.—Under regulations prescribed under sub-
10 section (c), the head of an agency acquiring services from
11 a business concern under a cost reimbursement contract
12 requiring interim payments who does not pay the concern
13 a required interim payment by the date that is 30 days
14 after the date of the receipt of a proper invoice shall pay
15 an interest penalty to the concern on the amount of the
16 payment due. The interest shall be computed as provided
17 in section 3902(a) of title 31, United States Code.

18 (b) REGULATIONS.—The Director of the Office of
19 Management and Budget shall prescribe regulations to
20 carry out this section. Such regulations shall be prescribed
21 as part of the regulations prescribed under section 3903
22 of title 31, United States Code.

23 (c) INCORPORATION OF CERTAIN PROVISIONS OF
24 LAW.—The provisions of chapter 39 of title 31, United

1 States Code, shall apply to this section in the same man-
2 ner as if this section were enacted as part of such chapter.

3 (d) EFFECTIVE DATE.—Subsection (a) shall take ef-
4 fect on December 15, 2000. No interest shall accrue by
5 reason of that subsection for any period before that date.

6 **Subtitle B—Naval Vessels and** 7 **Shipyards**

8 **SEC. 1011. REVISIONS TO NATIONAL DEFENSE FEATURES** 9 **PROGRAM.**

10 Section 2218(k) of title 10, United States Code, is
11 amended—

12 (1) by adding at the end of paragraph (1) the
13 following new sentence: “As consideration for a con-
14 tract with the head of an agency under this sub-
15 section, the company entering into the contract shall
16 agree with the Secretary of Defense to make any
17 vessel covered by the contract available to the Sec-
18 retary, fully crewed and ready for sea, at any time
19 at any port determined by the Secretary, and for
20 whatever duration the Secretary determines nec-
21 essary.”;

22 (2) by adding at the end of paragraph (2) the
23 following new subparagraph:

24 “(E) Payments of such sums as the Govern-
25 ment would otherwise expend, if the vessel were

1 placed in the Ready Reserve Fleet, for maintaining
2 the vessel in the status designated as ‘ROS–4 sta-
3 tus’ in the Ready Reserve Fleet for 25 years.’; and

4 (3) by adding at the end the following new
5 paragraph:

6 “(6) The head of an agency may not enter into a con-
7 tract under paragraph (1) that would provide for pay-
8 ments to the contractor as authorized in paragraph (2)(E)
9 until notice of the proposed contract is submitted to the
10 congressional defense committees and a period of 90 days
11 has elapsed.”.

12 **SEC. 1012. SENSE OF CONGRESS ON THE NAMING OF THE**
13 **CVN–77 AIRCRAFT CARRIER.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) Over the last three decades Congress has
17 authorized and appropriated funds for a total of 10
18 Nimitz class aircraft carriers.

19 (2) The last vessel in the Nimitz class of air-
20 craft carriers, CVN–77, is currently under construc-
21 tion and will be delivered in 2008.

22 (3) The first nine vessels in this class bear the
23 following proud names:

24 (A) U.S.S. Nimitz (CVN–68).

1 (B) U.S.S. Dwight D. Eisenhower (CVN–
2 69).

3 (C) U.S.S. Carl Vinson (CVN–70).

4 (D) U.S.S. Theodore Roosevelt (CVN–71).

5 (E) U.S.S. Abraham Lincoln (CVN–72).

6 (F) U.S.S. George Washington (CVN–73).

7 (G) U.S.S. John C. Stennis (CVN–74).

8 (H) U.S.S. Harry S. Truman (CVN–75).

9 (I) U.S.S. Ronald Reagan (CVN–76).

10 (4) It is appropriate for Congress to rec-
11 ommend to the President, as Commander in Chief of
12 the Armed Forces, an appropriate name for the final
13 vessel in the Nimitz class of aircraft carriers.

14 (5) Over the last 25 years the vessels in the
15 Nimitz class of aircraft carriers have served as one
16 of the principal means of United States diplomacy
17 and as one of the principal means for the defense of
18 the United States and its allies around the world.

19 (6) The name bestowed upon the aircraft car-
20 rier CVN–77 should embody the American spirit and
21 provide a lasting symbol of the American commit-
22 ment to freedom.

23 (7) The name “Lexington” has been a symbol
24 of freedom from the first battle of the American
25 Revolution.

1 (8) The two aircraft carriers previously named
2 U.S.S. Lexington (the CV-2 and the CV-16) served
3 the Nation for 64 years, served in World War II,
4 and earned a total of 13 battle stars.

5 (9) One of those honored vessels, the CV-2,
6 was lost at the Battle of the Coral Sea on May 8,
7 1942.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the CVN-77 aircraft carrier should be named
10 the “U.S.S. Lexington”—

11 (1) in order to honor the men and women who
12 served in the Armed Forces of the United States
13 during World War II and the incalculable number of
14 United States citizens on the home front during that
15 war who mobilized in the name of freedom; and

16 (2) as a special tribute to the 16,000,000 vet-
17 erans of the Armed Forces who served on land, sea,
18 and air during World War II (of whom fewer than
19 6,000,000 remain alive today) and a lasting symbol
20 of their commitment to freedom as they pass on hav-
21 ing proudly taken their place in history.

22 **SEC. 1013. AUTHORITY TO TRANSFER NAVAL VESSELS TO**
23 **CERTAIN FOREIGN COUNTRIES.**

24 (a) TRANSFERS BY GRANT.—The President is au-
25 thorized to transfer vessels to foreign countries on a grant

1 basis under section 516 of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2321j) as follows:

3 (1) BRAZIL.—To the Government of Brazil—

4 (A) the THOMASTON class dock landing
5 ships ALAMO (LSD 33) and HERMITAGE
6 (LSD 34); and

7 (B) the GARCIA class frigates BRADLEY
8 (FF 1041), DAVIDSON (FF 1045), SAMPLE
9 (FF 1048) and ALBERT DAVID (FF 1050).

10 (2) GREECE.—To the Government of Greece,
11 the KNOX class frigates VREELAND (FF 1068)
12 and TRIPPE (FF 1075).

13 (b) TRANSFERS ON A COMBINED LEASE-SALE
14 BASIS.—(1) The President is authorized to transfer ves-
15 sels to foreign countries on a combined lease-sale basis
16 under sections 61 and 21 of the Arms Export Control Act
17 (22 U.S.C. 2796 and 2761) and in accordance with sub-
18 section (c) as follows:

19 (A) CHILE.—To the Government of Chile, the
20 OLIVER HAZARD PERRY class guided missile
21 frigates WADSWORTH (FFG 9), and ESTOCIN
22 (FFG 15).

23 (B) TURKEY.—To the Government of Turkey,
24 the OLIVER HAZARD PERRY class guided missile

1 frigates JOHN A. MOORE (FFG 19) and
2 FLATLEY (FFG 21).

3 (2) The authority provided under paragraph (1)(B)
4 is in addition to the authority provided under section
5 1018(a)(9) of the National Defense Authorization Act for
6 Fiscal Year 2000 (Public Law 106–65; 113 Stat. 745) for
7 the transfer of those vessels to the Government of Turkey
8 on a sale basis under section 21 of the Arms Export Con-
9 trol Act (22 U.S.C. 2761).

10 (c) CONDITIONS RELATING TO COMBINED LEASE-
11 SALE TRANSFERS.—A transfer of a vessel on a combined
12 lease-sale basis authorized by subsection (b) shall be made
13 in accordance with the following requirements:

14 (1) The President may initially transfer the ves-
15 sel by lease, with lease payments suspended for the
16 term of the lease, if the country entering into the
17 lease for the vessel simultaneously enters into a for-
18 eign military sales agreement for the transfer of title
19 to the vessel.

20 (2) The President may not deliver to the pur-
21 chasing country title to the vessel until the purchase
22 price of the vessel under such a foreign military
23 sales agreement is paid in full.

24 (3) Upon payment of the purchase price in full
25 under such a sales agreement and delivery of title to

1 the recipient country, the President shall terminate
2 the lease.

3 (4) If the purchasing country fails to make full
4 payment of the purchase price in accordance with
5 the sales agreement by the date required under the
6 sales agreement—

7 (A) the sales agreement shall be imme-
8 diately terminated;

9 (B) the suspension of lease payments
10 under the lease shall be vacated; and

11 (C) the United States shall be entitled to
12 retain all funds received on or before the date
13 of the termination under the sales agreement,
14 up to the amount of the lease payments due
15 and payable under the lease and all other costs
16 required by the lease to be paid to that date.

17 (5) If a sales agreement is terminated pursuant
18 to paragraph (4), the United States shall not be re-
19 quired to pay any interest to the recipient country
20 on any amount paid to the United States by the re-
21 cipient country under the sales agreement and not
22 retained by the United States under the lease.

23 (d) AUTHORIZATION OF APPROPRIATIONS FOR COSTS
24 OF LEASE-SALE TRANSFERS.—There is hereby authorized
25 to be appropriated into the Defense Vessels Transfer Pro-

1 gram Account such sums as may be necessary for paying
2 the costs (as defined in section 502 of the Congressional
3 Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale
4 transfers authorized by subsection (b). Amounts so appro-
5 priated shall be available only for the purpose of paying
6 those costs.

7 (e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
8 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
9 of a vessel transferred to another country on a grant basis
10 under section 516 of the Foreign Assistance Act of 1961
11 (22 U.S.C. 2321j) pursuant to authority provided by sub-
12 section (a) shall not be counted for the purposes of sub-
13 section (g) of that section in the aggregate value of excess
14 defense articles transferred to countries under that section
15 in any fiscal year.

16 (f) COSTS OF TRANSFERS.—Any expense incurred by
17 the United States in connection with a transfer authorized
18 by this section shall be charged to the recipient (notwith-
19 standing section 516(e)(1) of the Foreign Assistance Act
20 of 1961 (22 U.S.C. 2321j(e)(1))) in the case of a transfer
21 authorized to be made on a grant basis under subsection
22 (a)).

23 (g) REPAIR AND REFURBISHMENT IN UNITED
24 STATES SHIPYARDS.—To the maximum extent prac-
25 ticable, the President shall require, as a condition of the

1 transfer of a vessel under this section, that the country
2 to which the vessel is transferred have such repair or re-
3 furbishment of the vessel as is needed, before the vessel
4 joins the naval forces of that country, performed at a ship-
5 yard located in the United States, including a United
6 States Navy shipyard.

7 (h) EXPIRATION OF AUTHORITY.—The authority to
8 transfer a vessel under this section shall expire at the end
9 of the two-year period beginning on the date of the enact-
10 ment of this Act.

11 (i) COORDINATION OF PROVISIONS.—(1) If the Secu-
12 rity Assistance Act of 2000 is enacted before this Act, the
13 provisions of this section shall not take effect.

14 (2) If the Security Assistance Act of 2000 is enacted
15 after this Act, this section shall cease to be in effect upon
16 the enactment of that Act.

17 **SEC. 1014. AUTHORITY TO CONSENT TO RETRANSFER OF**
18 **ALTERNATIVE FORMER NAVAL VESSEL BY**
19 **GOVERNMENT OF GREECE.**

20 (a) AUTHORITY FOR RETRANSFER OF ALTERNATIVE
21 VESSEL.—Section 1012 of the National Defense Author-
22 ization Act for Fiscal Year 2000 (Public Law 106–65; 113
23 Stat. 740) is amended—

24 (1) in subsection (a), by inserting after “HS
25 Rodos (ex-USS BOWMAN COUNTY (LST 391))”

1 the following: “, LST 325, or any other former
2 United States LST previously transferred to the
3 Government of Greece that is excess to the needs of
4 that government”; and

5 (2) in subsection (b)(1), by inserting “retrans-
6 ferred under subsection (a)” after “the vessel”.

7 (b) REPEAL.—Section 1305 of the Arms Control,
8 Nonproliferation, and Security Assistance Act of 1999
9 (113 Stat. 1501A–511) is repealed.

10 **Subtitle C—Counter-Drug** 11 **Activities**

12 **SEC. 1021. EXTENSION OF AUTHORITY TO PROVIDE SUP-** 13 **PORT FOR COUNTER-DRUG ACTIVITIES OF** 14 **COLOMBIA.**

15 (a) EXTENSION OF AUTHORITY.—Section 1033 of
16 the National Defense Authorization Act for Fiscal Year
17 1998 (Public Law 105–85; 111 Stat. 1881) is amended—

18 (1) in subsection (a), by striking “during fiscal
19 years 1998 through 2002,”; and

20 (2) in subsection (b)—

21 (A) in paragraph (1), by inserting before
22 the period at the end the following: “, for fiscal
23 years 1998 through 2002”; and

1 (B) in paragraph (2), by inserting before
2 the period at the end the following: “, for fiscal
3 years 1998 through 2006”.

4 (b) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Sub-
5 section (e)(2) of such section is amended by striking
6 “2002” and inserting “2006”.

7 **SEC. 1022. REPORT ON DEPARTMENT OF DEFENSE EXPEND-**
8 **ITURES TO SUPPORT FOREIGN COUNTER-**
9 **DRUG ACTIVITIES.**

10 Not later than January 1, 2001, the Secretary of De-
11 fense shall submit to the congressional defense committees
12 a report detailing the expenditure of funds by the Sec-
13 retary during fiscal year 2000 in direct or indirect support
14 of the counter-drug activities of foreign governments. The
15 report shall include the following for each foreign govern-
16 ment:

17 (1) The total amount of assistance provided to,
18 or expended on behalf of, the foreign government.

19 (2) A description of the types of counter-drug
20 activities conducted using the assistance.

21 (3) An explanation of the legal authority under
22 which the assistance was provided.

1 **SEC. 1023. RECOMMENDATIONS ON EXPANSION OF SUP-**
2 **PORT FOR COUNTER-DRUG ACTIVITIES.**

3 (a) REQUIREMENT FOR SUBMITTAL OF REC-
4 OMMENDATIONS.—Not later than February 1, 2001, the
5 Secretary of Defense shall submit to the Committees on
6 Armed Services of the Senate and the House of Represent-
7 atives the recommendations of the Secretary regarding
8 whether expanded support for counter-drug activities
9 should be authorized under section 1033 of the National
10 Defense Authorization Act for Fiscal Year 1998 (Public
11 Law 105–85; 111 Stat. 1881) for the region that includes
12 the countries that are covered by that authority on the
13 date of the enactment of this Act.

14 (b) CONTENT OF SUBMISSION.—The submission
15 under subsection (a) shall include the following:

16 (1) What, if any, additional countries should be
17 covered.

18 (2) What, if any, additional support should be
19 provided to covered countries, together with the rea-
20 sons for recommending the additional support.

21 (3) For each country recommended under para-
22 graph (1), a plan for providing support, including
23 the counter-drug activities proposed to be supported.

1 **SEC. 1024. REVIEW OF RIVERINE COUNTER-DRUG PRO-**
2 **GRAM.**

3 (a) REQUIREMENT FOR REVIEW.—The Secretary of
4 Defense shall review the riverine counter-drug program
5 supported under section 1033 of the National Defense Au-
6 thorization Act for Fiscal Year 1998 (Public Law 105–
7 85; 111 Stat. 1881).

8 (b) REPORT.—Not later than February 1, 2001, the
9 Secretary shall submit a report on the riverine counter-
10 drug program to the Committees on Armed Services of
11 the Senate and the House of Representatives. The report
12 shall include, for each country receiving support under the
13 riverine counter-drug program, the following:

14 (1) The Assistant Secretary's assessment of the
15 effectiveness of the program.

16 (2) A recommendation regarding which of the
17 Armed Forces, units of the Armed Forces, or other
18 organizations within the Department of Defense
19 should be responsible for managing the program.

20 (c) DELEGATION OF AUTHORITY.—The Secretary
21 shall require the Assistant Secretary of Defense for Spe-
22 cial Operations and Low Intensity Conflict to carry out
23 the responsibilities under this section.

1 **SEC. 1025. REPORT ON TETHERED AEROSTAT RADAR SYS-**
2 **TEM.**

3 (a) REPORT REQUIRED.—Not later than May 1,
4 2001, The Secretary of Defense shall submit to Congress
5 a report on the status of the Tethered Aerostat Radar
6 System used to conduct counter-drug detection and moni-
7 toring and border security and air sovereignty operations.
8 The report shall include the following:

9 (1) The status and operational availability of
10 each of the existing sites of the Tethered Aerostat
11 Radar System.

12 (2) A discussion of any plans to close, during
13 the next 5 years, currently operational sites, includ-
14 ing a review of the justification for each proposed
15 closure.

16 (3) A review of the requirements of other agen-
17 cies, especially the United States Customs Service,
18 for data derived from the Tethered Aerostat Radar
19 System.

20 (4) A assessment of the value of the Tethered
21 Aerostat Radar System in the conduct of counter-
22 drug detection and monitoring and border security
23 and air sovereignty operations compared to other
24 surveillance systems available for such operations.

25 (5) The costs associated with the planned
26 standardization of the Tethered Aerostat Radar Sys-

1 tem and the Secretary's analysis of that standard-
2 ization.

3 (b) CONSULTATION.—The Secretary of Defense shall
4 prepare the report in consultation with the Secretary of
5 the Treasury.

6 **SEC. 1026. SENSE OF CONGRESS REGARDING USE OF**
7 **ARMED FORCES FOR COUNTER-DRUG AND**
8 **COUNTER-TERRORISM ACTIVITIES.**

9 It is the sense of Congress that the President should
10 be able to use members of the Army, Navy, Air Force,
11 and Marine Corps to assist law enforcement agencies, to
12 the full extent consistent with section 1385 of title 18,
13 United States Code (commonly known as the Posse Com-
14 mitatus Act), section 375 of title 10, United States Code,
15 and other applicable law, in preventing the entry into the
16 United States of terrorists and drug traffickers, weapons
17 of mass destruction, components of weapons of mass de-
18 struction, and prohibited narcotics and drugs.

19 **Subtitle D—Counterterrorism and**
20 **Domestic Preparedness**

21 **SEC. 1031. PREPAREDNESS OF MILITARY INSTALLATION**
22 **FIRST RESPONDERS FOR INCIDENTS INVOLV-**
23 **ING WEAPONS OF MASS DESTRUCTION.**

24 (a) REQUIREMENT FOR REPORT.—Not later than 90
25 days after the date of the enactment of this Act, the Sec-

1 retary of Defense shall submit to Congress a report on
2 the program of the Department of Defense to ensure the
3 preparedness of the first responders of the Department
4 of Defense for incidents involving weapons of mass de-
5 struction on installations of the Department of Defense.

6 (b) CONTENT OF REPORT.—The report shall include
7 the following:

8 (1) A detailed description of the overall pre-
9 paredness program.

10 (2) A detailed description of the deficiencies in
11 the preparedness of Department of Defense installa-
12 tions to respond to an incident involving a weapon
13 of mass destruction, together with a discussion of
14 the actions planned to be taken by the Department
15 of Defense to correct the deficiencies.

16 (3) The schedule and costs associated with the
17 implementation of the preparedness program.

18 (4) The Department's plan for coordinating the
19 preparedness program with responders in the com-
20 munities in the localities of the installations.

21 (5) The Department's plan for promoting the
22 interoperability of the equipment used by the instal-
23 lation first responders referred to in subsection (a)
24 with the equipment used by the first responders in
25 those communities.

1 (c) FORM OF REPORT.—The report shall be sub-
2 mitted in an unclassified form, but may include a classi-
3 fied annex.

4 (d) DEFINITIONS.—In this section:

5 (1) The term “first responder” means an orga-
6 nization responsible for responding to an incident in-
7 volving a weapon of mass destruction.

8 (2) The term “weapon of mass destruction” has
9 the meaning given that term in section 1403(1) of
10 the Defense Against Weapons of Mass Destruction
11 Act of 1996 (50 U.S.C. 2302(1)).

12 **SEC. 1032. ADDITIONAL WEAPONS OF MASS DESTRUCTION**
13 **CIVIL SUPPORT TEAMS.**

14 During fiscal year 2001, the Secretary of Defense
15 shall establish five additional teams designated as Weap-
16 ons of Mass Destruction Civil Support Teams (for a total
17 of 32 such teams).

18 **SEC. 1033. AUTHORITY TO PROVIDE LOAN GUARANTEES TO**
19 **IMPROVE DOMESTIC PREPAREDNESS TO**
20 **COMBAT CYBERTERRORISM.**

21 (a) ESTABLISHMENT OF PROGRAM.—(1) Chapter
22 148 of title 10, United States Code, is amended by adding
23 at the end the following new subchapter:

1 “SUBCHAPTER VII—CRITICAL INFRASTRUC-
 2 TURE PROTECTION LOAN GUARANTEES

“Sec.

“2541. Establishment of loan guarantee program.

“2541a. Fees charged and collected.

“2541b. Administration.

“2541c. Transferability, additional limitations, and definition.

“2541d. Reports.

3 **“§ 2541. Establishment of loan guarantee program**

4 “(a) ESTABLISHMENT.—In order to meet the na-
 5 tional security objectives in section 2501(a) of this title,
 6 the Secretary of Defense shall establish a program under
 7 which the Secretary may issue guarantees assuring lenders
 8 against losses of principal or interest, or both principal
 9 and interest, for loans made to qualified commercial firms
 10 to fund, in whole or in part, any of the following activities:

11 (1) The improvement of the protection of the
 12 critical infrastructure of the commercial firms.

13 (2) The refinancing of improvements previously
 14 made to the protection of the critical infrastructure
 15 of the commercial firms.

16 “(b) QUALIFIED COMMERCIAL FIRMS.—For pur-
 17 poses of this section, a qualified commercial firm is a com-
 18 pany or other business entity (including a consortium of
 19 such companies or other business entities, as determined
 20 by the Secretary) that the Secretary determines—

1 “(1) conducts a significant level of its research,
2 development, engineering, and manufacturing activi-
3 ties in the United States;

4 “(2) is a company or other business entity the
5 majority ownership or control of which is by United
6 States citizens or is a company or other business of
7 a parent company that is incorporated in a country
8 the government of which—

9 “(A) encourages the participation of firms
10 so owned or controlled in research and develop-
11 ment consortia to which the government of that
12 country provides funding directly or provides
13 funding indirectly through international organi-
14 zations or agreements; and

15 “(B) affords adequate and effective protec-
16 tion for the intellectual property rights of com-
17 panies incorporated in the United States;

18 “(3) provides technology products or services
19 critical to the operations of the Department of De-
20 fense;

21 “(4) meets standards of prevention of
22 cyberterrorism applicable to the Department of De-
23 fense; and

24 “(5) agrees to submit the report required under
25 section 2541d of this title.

1 “(c) LOAN LIMITS.—The maximum amount of loan
2 principal guaranteed during a fiscal year under this sec-
3 tion may not exceed \$10,000,000, with respect to all bor-
4 rowers.

5 “(d) GOALS AND STANDARDS.—The Secretary shall
6 prescribe regulations setting forth goals for the use of the
7 loan guarantees provided under this section and standards
8 for evaluating whether those goals are met by each entity
9 receiving such loan guarantees.

10 “(e) AUTHORITY SUBJECT TO PROVISIONS OF AP-
11 PROPRIATIONS.—The Secretary may guarantee a loan
12 under this subchapter only to such extent or in such
13 amounts as may be provided in advance in appropriations
14 Acts.

15 **“§ 2541a. Fees charged and collected**

16 “(a) FEE REQUIRED.—The Secretary of Defense
17 shall assess a fee for providing a loan guarantee under
18 this subchapter.

19 “(b) AMOUNT OF FEE.—The amount of the fee shall
20 be not less than 75 percent of the amount incurred by
21 the Secretary to provide the loan guarantee.

22 “(c) SPECIAL ACCOUNT.—(1) Such fees shall be cred-
23 ited to a special account in the Treasury.

24 “(2) Amounts in the special account shall be avail-
25 able, to the extent and in amounts provided in appropria-

1 tions Acts, for paying the costs of administrative expenses
2 of the Department of Defense that are attributable to the
3 loan guarantee program under this subchapter.

4 “(3)(A) If for any fiscal year amounts in the special
5 account established under paragraph (1) are not available
6 (or are not anticipated to be available) in a sufficient
7 amount for administrative expenses of the Department of
8 Defense for that fiscal year that are directly attributable
9 to the administration of the program under this sub-
10 chapter, the Secretary may use amounts currently avail-
11 able for operations and maintenance for Defense-wide ac-
12 tivities, not to exceed \$500,000 in any fiscal year, for
13 those expenses.

14 “(B) The Secretary shall, from funds in the special
15 account established under paragraph (1), replenish oper-
16 ations and maintenance accounts for amounts expended
17 under subparagraph (A).

18 **“§ 2541b. Administration**

19 “(a) AGREEMENTS REQUIRED.—The Secretary of
20 Defense may enter into one or more agreements, each with
21 an appropriate Federal or private entity, under which such
22 entity may, under this subchapter—

23 “(1) process applications for loan guarantees;

24 “(2) administer repayment of loans; and

1 “(3) provide any other services to the Secretary
2 to administer this subchapter.

3 “(b) TREATMENT OF COSTS.—The costs of such
4 agreements shall be considered, for purposes of the special
5 account established under section 2541a(c), to be costs of
6 administrative expenses of the Department of Defense
7 that are attributable to the loan guarantee program under
8 this subchapter.

9 **“§ 2541c. Transferability, additional limitations, and**
10 **definition**

11 “The following provisions of subtitle VI of this chap-
12 ter apply to guarantees issued under this subtitle:

13 “(1) Section 2540a, relating to transferability
14 of guarantees.

15 “(2) Subsections (b) and (c) of section 2540b,
16 providing limitations.

17 “(3) Section 2540d(2), providing a definition of
18 the term ‘cost’.

19 **“§ 2541d. Reports**

20 “(a) REPORT BY COMMERCIAL FIRMS TO SECRETARY
21 OF DEFENSE.—The Secretary of Defense shall require
22 each qualified commercial firm for which a loan is guaran-
23 teed under this subchapter to submit to the Secretary a
24 report on the improvements financed or refinanced with
25 the loan. The report shall include an assessment of the

1 value of the improvements for the protection of the critical
2 infrastructure of that commercial firm. The Secretary
3 shall prescribe the time for submitting the report.

4 “(b) ANNUAL REPORT BY SECRETARY OF DEFENSE
5 TO CONGRESS.—Not later than March 1 of each year in
6 which guarantees are made under this subchapter, the
7 Secretary of Defense shall submit to Congress a report
8 on the loan guarantee program under this subchapter. The
9 report shall include the following:

10 “(1) The amounts of the loans for which guar-
11 antees were issued during the year preceding the
12 year of the report.

13 “(2) The success of the program in improving
14 the protection of the critical infrastructure of the
15 commercial firms covered by the guarantees.

16 “(3) The relationship of the loan guarantee pro-
17 gram to the critical infrastructure protection pro-
18 gram of the Department of Defense, together with
19 an assessment of the extent to which the loan guar-
20 antee program supports the critical infrastructure
21 protection program.

22 “(4) Any other information on the loan guar-
23 antee program that the Secretary considers appro-
24 priate to include in the report.”.

(2) The table of subchapters at the beginning of such chapter is amended by adding at the end the following new item:

“VII. Critical Infrastructure Protection Loan Guarantees 2541”.

(b) REDESIGNATION OF DISPLACED SECTIONS.—(1) Sections 2541 through 2554 of chapter 152 of title 10, United States Code, are redesignated as sections 2551 through 2564, respectively.

(2) The items in the table of sections at the beginning of chapter 152 of such title are revised to reflect the redesignations made by paragraph (1).

(c) CONFORMING AMENDMENTS.—(1) Subsection (c)(3)(C) of section 2561 of such title, as redesignated by subsection (b), is amended by striking “section 2547” and inserting “section 2557”.

(2) Subsection (b) of section 2562 of such title, as so redesignated, is amended by striking “section 2547” and inserting “section 2557”.

(3) Section 7300 of such title is amended by striking “section 2553” and inserting “section 2563”.

SEC. 1034. REPORT ON THE STATUS OF DOMESTIC PREPAREDNESS AGAINST THE THREAT OF BIOLOGICAL TERRORISM.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the President shall submit to Congress a report on

1 domestic preparedness against the threat of biological ter-
2 rorism.

3 (b) REPORT ELEMENTS.—The report shall address
4 the following:

5 (1) The current state of United States pre-
6 paredness to defend against a biologic attack.

7 (2) The roles that various Federal agencies cur-
8 rently play, and should play, in preparing for, and
9 defending against, such an attack.

10 (3) The roles that State and local agencies and
11 public health facilities currently play, and should
12 play, in preparing for, and defending against, such
13 an attack.

14 (4) The advisability of establishing an intergov-
15 ernmental task force to assist in preparations for
16 such an attack.

17 (5) The potential role of advanced communica-
18 tions systems in aiding domestic preparedness
19 against such an attack.

20 (6) The potential for additional research and
21 development in biotechnology to aid domestic pre-
22 paredness against such an attack.

23 (7) Other measures that should be taken to aid
24 domestic preparedness against such an attack.

1 (8) The financial resources necessary to support
2 efforts for domestic preparedness against such an
3 attack.

4 (9) The deficiencies and vulnerabilities in the
5 United States public health system for dealing with
6 the consequences of a biological terrorist attack on
7 the United States, and current plans to address
8 those deficiencies and vulnerabilities.

9 (c) INTELLIGENCE ESTIMATE.—(1) Not later than
10 March 1, 2001, the Secretary of Defense shall submit to
11 Congress an intelligence estimate, prepared in consulta-
12 tion with the Director of Central Intelligence,
13 containing—

14 (A) an assessment of the threat to the United
15 States posed by a terrorist using a biological weap-
16 on; and

17 (B) an assessment of the relative consequences
18 of an attack against the United States by a terrorist
19 using a biological weapon compared with the con-
20 sequences of an attack against the United States by
21 a terrorist using a weapon that is a weapon of mass
22 destruction other than a biological weapon or that is
23 a conventional weapon.

24 (2) The intelligence estimate submitted under para-
25 graph (1) shall include a comparison of—

1 (A) the likelihood of the threat of a terrorist at-
2 tack against the United States through the use of a
3 biological weapon, with

4 (B) the likelihood of the threat of a terrorist at-
5 tack against the United States through the use of a
6 weapon that is a weapon of mass destruction other
7 than a biological weapon or that is a conventional
8 weapon.

9 **SEC. 1035. REPORT ON STRATEGY, POLICIES, AND PRO-**
10 **GRAMS TO COMBAT DOMESTIC TERRORISM.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Comptroller General of the United
13 States shall submit to the Committees on Armed Services
14 of the Senate and the House of Representatives a report
15 on the strategy, policies, and programs of the United
16 States for combating domestic terrorism, and in particular
17 domestic terrorism involving weapons of mass destruction.
18 The report shall document the progress and problems ex-
19 perience by the Federal Government in organizing and
20 preparing to respond to domestic terrorist incidents.

21 **Subtitle E—Strategic Forces**

22 **SEC. 1041. REVISED NUCLEAR POSTURE REVIEW.**

23 (a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—
24 In order to clarify United States nuclear deterrence policy
25 and strategy for the near term, the Secretary of Defense

1 shall conduct a comprehensive review of the nuclear pos-
2 ture of the United States for the next 5 to 10 years. The
3 Secretary shall conduct the review in consultation with the
4 Secretary of Energy.

5 (b) ELEMENTS OF REVIEW.—The nuclear posture re-
6 view shall include the following elements:

7 (1) The role of nuclear forces in United States
8 military strategy, planning, and programming.

9 (2) The policy requirements and objectives for
10 the United States to maintain a safe, reliable, and
11 credible nuclear deterrence posture.

12 (3) The relationship among United States nu-
13 clear deterrence policy, targeting strategy, and arms
14 control objectives.

15 (4) The levels and composition of the nuclear
16 delivery systems that will be required for imple-
17 menting the United States national and military
18 strategy, including any plans for replacing or modi-
19 fying existing systems.

20 (5) The nuclear weapons complex that will be
21 required for implementing the United States na-
22 tional and military strategy, including any plans to
23 modernize or modify the complex.

24 (6) The active and inactive nuclear weapons
25 stockpile that will be required for implementing the

1 United States national and military strategy, includ-
2 ing any plans for replacing or modifying warheads.

3 (c) REPORT TO CONGRESS.—The Secretary of De-
4 fense shall submit to Congress, in unclassified and classi-
5 fied forms as necessary, a report on the results of the nu-
6 clear posture review conducted under this section. The re-
7 port shall be submitted concurrently with the Quadrennial
8 Defense Review report due in December 2001.

9 (d) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the nuclear posture review conducted under this
11 section should be used as the basis for establishing future
12 United States arms control objectives and negotiating po-
13 sitions.

14 **SEC. 1042. PLAN FOR THE LONG-TERM SUSTAINMENT AND**
15 **MODERNIZATION OF UNITED STATES STRA-**
16 **TEGIC NUCLEAR FORCES.**

17 (a) REQUIREMENT FOR PLAN.—The Secretary of De-
18 fense, in consultation with the Secretary of Energy, shall
19 develop a long-range plan for the sustainment and mod-
20 ernization of United States strategic nuclear forces to
21 counter emerging threats and satisfy the evolving require-
22 ments of deterrence.

23 (b) ELEMENTS OF PLAN.—The plan specified under
24 subsection (a) shall include the Secretary's plans, if any,
25 for the sustainment and modernization of the following:

1 (1) Land-based and sea-based strategic ballistic
2 missiles, including any plans for developing replace-
3 ments for the Minuteman III intercontinental bal-
4 listic missile and the Trident II sea-launched bal-
5 listic missile and plans for common ballistic missile
6 technology development.

7 (2) Strategic nuclear bombers, including any
8 plans for a B-2 follow-on, a B-52 replacement, and
9 any new air-launched weapon systems.

10 (3) Appropriate warheads to outfit the strategic
11 nuclear delivery systems referred to in paragraphs
12 (1) and (2) to satisfy evolving military requirements.

13 (c) SUBMITTAL OF PLAN.—The plan specified under
14 subsection (a) shall be submitted to Congress not later
15 than April 15, 2001. The plan shall be submitted in un-
16 classified and classified forms, as necessary.

17 **SEC. 1043. MODIFICATION OF SCOPE OF WAIVER AUTHOR-**
18 **ITY FOR LIMITATION ON RETIREMENT OR**
19 **DISMANTLEMENT OF STRATEGIC NUCLEAR**
20 **DELIVERY SYSTEMS.**

21 Section 1302(b) of the National Defense Authoriza-
22 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
23 Stat. 1948), as amended by section 1501(a) of the Na-
24 tional Defense Authorization Act for Fiscal Year 2000
25 (Public Law 106–65; 113 Stat. 806), is further amended

1 by striking “the application of the limitation in effect
2 under paragraph (1)(B) or (3) of subsection (a), as the
3 case may be,” and inserting “the application of the limita-
4 tion in effect under subsection (a) to a strategic nuclear
5 delivery system”.

6 **SEC. 1044. REPORT ON THE DEFEAT OF HARDENED AND**
7 **DEEPLY BURIED TARGETS.**

8 (a) STUDY.—The Secretary of Defense shall, in con-
9 junction with the Secretary of Energy, conduct a study
10 relating to the defeat of hardened and deeply buried tar-
11 gets. Under the study, the Secretaries shall—

12 (1) review—

13 (A) the requirements of the United States
14 to defeat hardened and deeply buried targets
15 and stockpiles of chemical and biological agents
16 and related capabilities; and

17 (B) current and future plans to meet those
18 requirements;

19 (2) determine if those plans adequately address
20 all such requirements;

21 (3) identify potential future hardened and deep-
22 ly buried targets and other related targets;

23 (4) determine what resources and research and
24 development efforts are needed to defeat the targets
25 identified under paragraph (3) as well as other re-

1 quirements to defeat stockpiles of chemical and bio-
2 logical agents and related capabilities;

3 (5) assess both current and future options to
4 defeat hardened and deeply buried targets as well as
5 concepts to defeat stockpiles of chemical and biologi-
6 cal agents and related capabilities; and

7 (6) determine the capability and cost of each
8 option assessed under paragraph (5).

9 (b) CONDUCT OF ASSESSMENTS.—In conducting the
10 study under subsection (a), the Secretaries may, in order
11 to perform the assessments required by paragraph (5) of
12 that subsection, conduct any limited research and develop-
13 ment that may be necessary to perform those assessments.

14 (c) REPORT.—(1) Not later than July 1, 2001, the
15 Secretary of Defense shall submit to the Committee on
16 Armed Services of the Senate and the Committee on
17 Armed Services of the House of Representatives a report
18 on the results of the study conducted under subsection (a).
19 The report shall be prepared in conjunction with the Sec-
20 retary of Energy.

21 (2) The report under paragraph (1) shall be sub-
22 mitted in unclassified form, together with a classified
23 annex if necessary.

1 **SEC. 1045. SENSE OF CONGRESS ON THE MAINTENANCE OF**
2 **THE STRATEGIC NUCLEAR TRIAD.**

3 It is the sense of Congress that, in light of the poten-
4 tial for further arms control agreements with the Russian
5 Federation limiting strategic forces—

6 (1) it is in the national interest of the United
7 States to maintain a robust and balanced triad of
8 strategic nuclear delivery vehicles, including (A)
9 long-range bombers, (B) land-based intercontinental
10 ballistic missiles (ICBMs), and (C) ballistic missile
11 submarines; and

12 (2) reductions to United States conventional
13 bomber capability are not in the national interest of
14 the United States.

15 **Subtitle F—Miscellaneous**
16 **Reporting Requirements**

17 **SEC. 1051. MANAGEMENT REVIEW OF WORKING-CAPITAL**
18 **FUND ACTIVITIES.**

19 (a) COMPTROLLER GENERAL REVIEW REQUIRED.—
20 The Comptroller General shall conduct a review of the
21 working-capital fund activities of the Department of De-
22 fense to identify any potential changes in current manage-
23 ment processes or policies that, if made, would result in
24 a more efficient and economical operation of those activi-
25 ties.

1 (b) REVIEW TO INCLUDE CARRYOVER POLICY.—The
2 review shall include a review of practices under the De-
3 partment of Defense policy that authorizes funds available
4 for working-capital fund activities for one fiscal year to
5 be obligated for work to be performed at such activities
6 within the first 90 days of the next fiscal year (known
7 as “carryover”). On the basis of the review, the Comp-
8 troller General shall determine the following:

9 (1) The extent to which the working-capital
10 fund activities of the Department of Defense have
11 complied with the 90-day carryover policy.

12 (2) The reasons for the carryover authority
13 under the policy to apply to as much as a 90-day
14 quantity of work.

15 (3) Whether applying the carryover authority to
16 not more than a 30-day quantity of work would be
17 sufficient to ensure uninterrupted operations at the
18 working-capital fund activities early in a fiscal year.

19 (4) What, if any, savings could be achieved by
20 restricting the carryover authority so as to apply to
21 a 30-day quantity of work.

22 **SEC. 1052. REPORT ON SUBMARINE RESCUE SUPPORT VES-**
23 **SELS.**

24 (a) REQUIREMENT.—The Secretary of the Navy shall
25 submit to Congress, together with the submission of the

1 budget of the President for fiscal year 2002 under section
2 1105 of title 31, United States Code, a report on the plan
3 of the Navy for providing for submarine rescue support
4 vessels through fiscal year 2007.

5 (b) CONTENT.—The report shall include a discussion
6 of the following:

7 (1) The requirement for submarine rescue sup-
8 port vessels through fiscal year 2007, including ex-
9 perience in changing from the provision of such ves-
10 sels from dedicated platforms to the provision of
11 such vessels through vessel of opportunity services
12 and charter vessels.

13 (2) The resources required, the risks to subma-
14 riners, and the operational impacts of the following:

15 (A) Chartering submarine rescue support
16 vessels for terms of up to five years, with op-
17 tions to extend the charters for two additional
18 five-year periods.

19 (B) Providing submarine rescue support
20 vessels using vessel of opportunity services.

21 (C) Providing submarine rescue support
22 services through other means considered by the
23 Navy.

1 **SEC. 1053. REPORT ON FEDERAL GOVERNMENT PROGRESS**
2 **IN DEVELOPING INFORMATION ASSURANCE**
3 **STRATEGIES.**

4 Not later than January 15, 2001, the President shall
5 submit to Congress a comprehensive report detailing the
6 specific steps taken by the Federal Government as of the
7 date of the report to develop critical infrastructure assur-
8 ance strategies as outlined by Presidential Decision Direc-
9 tive No. 63 (PDD-63). The report shall include the fol-
10 lowing:

11 (1) A detailed summary of the progress of each
12 Federal agency in developing an internal information
13 assurance plan.

14 (2) The progress of Federal agencies in estab-
15 lishing partnerships with relevant private sector in-
16 dustries to address critical infrastructure
17 vulnerabilities.

18 **SEC. 1054. DEPARTMENT OF DEFENSE PROCESS FOR DECI-**
19 **SIONMAKING IN CASES OF FALSE CLAIMS.**

20 Not later than February 1, 2001, the Secretary of
21 Defense shall submit to Congress a report describing the
22 policies and procedures for Department of Defense deci-
23 sionmaking on issues arising under sections 3729 through
24 3733 of title 31, United States Code, in cases of claims
25 submitted to the Department of Defense that are sus-
26 pected or alleged to be false. The report shall include a

1 discussion of any changes that have been made in the poli-
2 cies and procedures since January 1, 2000, and how such
3 procedures are being implemented.

4 **Subtitle G—Government**
5 **Information Security Reform**

6 **SEC. 1061. COORDINATION OF FEDERAL INFORMATION**
7 **POLICY.**

8 Chapter 35 of title 44, United States Code, is amend-
9 ed by inserting at the end the following new subchapter:

10 “SUBCHAPTER II—INFORMATION SECURITY

11 “§ 3531. **Purposes**

12 “The purposes of this subchapter are the following:

13 “(1) To provide a comprehensive framework for
14 establishing and ensuring the effectiveness of con-
15 trols over information resources that support Fed-
16 eral operations and assets.

17 “(2)(A) To recognize the highly networked na-
18 ture of the Federal computing environment including
19 the need for Federal Government interoperability
20 and, in the implementation of improved security
21 management measures, assure that opportunities for
22 interoperability are not adversely affected.

23 “(B) To provide effective Government-wide
24 management and oversight of the related informa-
25 tion security risks, including coordination of infor-

1 mation security efforts throughout the civilian, na-
2 tional security, and law enforcement communities.

3 “(3) To provide for development and mainte-
4 nance of minimum controls required to protect Fed-
5 eral information and information systems.

6 “(4) To provide a mechanism for improved
7 oversight of Federal agency information security
8 programs.

9 **“§ 3532. Definitions**

10 “(a) Except as provided under subsection (b), the
11 definitions under section 3502 shall apply to this sub-
12 chapter.

13 “(b) In this subchapter:

14 “(1) The term ‘information technology’ has the
15 meaning given that term in section 5002 of the
16 Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

17 “(2) The term ‘mission critical system’ means
18 any telecommunications or information system used
19 or operated by an agency or by a contractor of an
20 agency, or other organization on behalf of an agen-
21 cy, that—

22 “(A) is defined as a national security sys-
23 tem under section 5142 of the Clinger-Cohen
24 Act of 1996 (40 U.S.C. 1452);

1 “(B) is protected at all times by proce-
2 dures established for information which has
3 been specifically authorized under criteria es-
4 tablished by an Executive order or an Act of
5 Congress to be classified in the interest of na-
6 tional defense or foreign policy; or

7 “(C) processes any information, the loss,
8 misuse, disclosure, or unauthorized access to or
9 modification of, would have a debilitating im-
10 pact on the mission of an agency.

11 **“§ 3533. Authority and functions of the Director**

12 “(a)(1) The Director shall establish Government-wide
13 policies for the management of programs that—

14 “(A) support the cost-effective security of Fed-
15 eral information systems by promoting security as
16 an integral component of each agency’s business op-
17 erations; and

18 “(B) include information technology architec-
19 tures as defined under section 5125 of the Clinger-
20 Cohen Act of 1996 (40 U.S.C. 1425).

21 “(2) Policies under this subsection shall—

22 “(A) be founded on a continuing risk manage-
23 ment cycle that recognizes the need to—

24 “(i) identify, assess, and understand risk;
25 and

1 “(ii) determine security needs commensu-
2 rate with the level of risk;

3 “(B) implement controls that adequately ad-
4 dress the risk;

5 “(C) promote continuing awareness of informa-
6 tion security risk; and

7 “(D) continually monitor and evaluate policy
8 and control effectiveness of information security
9 practices.

10 “(b) The authority under subsection (a) includes the
11 authority to—

12 “(1) oversee and develop policies, principles,
13 standards, and guidelines for the handling of Fed-
14 eral information and information resources to im-
15 prove the efficiency and effectiveness of govern-
16 mental operations, including principles, policies, and
17 guidelines for the implementation of agency respon-
18 sibilities under applicable law for ensuring the pri-
19 vacy, confidentiality, and security of Federal infor-
20 mation;

21 “(2) consistent with the standards and guide-
22 lines promulgated under section 5131 of the Clinger-
23 Cohen Act of 1996 (40 U.S.C. 1441) and sections
24 5 and 6 of the Computer Security Act of 1987 (40
25 U.S.C. 1441 note; Public Law 100–235; 101 Stat.

1 1729), require Federal agencies to identify and af-
2 ford security protections commensurate with the risk
3 and magnitude of the harm resulting from the loss,
4 misuse, or unauthorized access to or modification of
5 information collected or maintained by or on behalf
6 of an agency;

7 “(3) direct the heads of agencies to—

8 “(A) identify, use, and share best security
9 practices;

10 “(B) develop an agency-wide information
11 security plan;

12 “(C) incorporate information security prin-
13 ciples and practices throughout the life cycles of
14 the agency’s information systems; and

15 “(D) ensure that the agency’s information
16 security plan is practiced throughout all life cy-
17 cles of the agency’s information systems;

18 “(4) oversee the development and implementa-
19 tion of standards and guidelines relating to security
20 controls for Federal computer systems by the Sec-
21 retary of Commerce through the National Institute
22 of Standards and Technology under section 5131 of
23 the Clinger-Cohen Act of 1996 (40 U.S.C. 1441)
24 and section 20 of the National Institute of Stand-
25 ards and Technology Act (15 U.S.C. 278g–3);

1 “(5) oversee and coordinate compliance with
2 this section in a manner consistent with—

3 “(A) sections 552 and 552a of title 5;

4 “(B) sections 20 and 21 of the National
5 Institute of Standards and Technology Act (15
6 U.S.C. 278g–3 and 278g–4);

7 “(C) section 5131 of the Clinger-Cohen
8 Act of 1996 (40 U.S.C. 1441);

9 “(D) sections 5 and 6 of the Computer Se-
10 curity Act of 1987 (40 U.S.C. 1441 note; Pub-
11 lic Law 100–235; 101 Stat. 1729); and

12 “(E) related information management
13 laws; and

14 “(6) take any authorized action under section
15 5113(b)(5) of the Clinger-Cohen Act of 1996 (40
16 U.S.C. 1413(b)(5)) that the Director considers ap-
17 propriate, including any action involving the budg-
18 etary process or appropriations management process,
19 to enforce accountability of the head of an agency
20 for information resources management, including the
21 requirements of this subchapter, and for the invest-
22 ments made by the agency in information tech-
23 nology, including—

24 “(A) recommending a reduction or an in-
25 crease in any amount for information resources

1 that the head of the agency proposes for the
2 budget submitted to Congress under section
3 1105(a) of title 31;

4 “(B) reducing or otherwise adjusting ap-
5 portionments and reapportionments of appro-
6 priations for information resources; and

7 “(C) using other authorized administrative
8 controls over appropriations to restrict the
9 availability of funds for information resources.

10 “(c) The authorities of the Director under this sec-
11 tion (other than the authority described in subsection
12 (b)(6))—

13 “(1) shall be delegated to the Secretary of De-
14 fense, the Director of Central Intelligence, and an-
15 other agency head as designated by the President in
16 the case of systems described under subparagraphs
17 (A) and (B) of section 3532(b)(2);

18 “(2) shall be delegated to the Secretary of De-
19 fense in the case of systems described under sub-
20 paragraph (C) of section 3532(b)(2) that are oper-
21 ated by the Department of Defense, a contractor of
22 the Department of Defense, or another entity on be-
23 half of the Department of Defense; and

24 “(3) in the case of all other Federal informa-
25 tion systems, may be delegated only to the Deputy

1 Director for Management of the Office of Manage-
2 ment and Budget.

3 **“§ 3534. Federal agency responsibilities**

4 “(a) The head of each agency shall—

5 “(1) be responsible for—

6 “(A) adequately ensuring the integrity,
7 confidentiality, authenticity, availability, and
8 nonrepudiation of information and information
9 systems supporting agency operations and as-
10 sets;

11 “(B) developing and implementing infor-
12 mation security policies, procedures, and control
13 techniques sufficient to afford security protec-
14 tions commensurate with the risk and mag-
15 nitude of the harm resulting from unauthorized
16 disclosure, disruption, modification, or destruc-
17 tion of information collected or maintained by
18 or for the agency; and

19 “(C) ensuring that the agency’s informa-
20 tion security plan is practiced throughout the
21 life cycle of each agency system;

22 “(2) ensure that appropriate senior agency offi-
23 cials are responsible for—

24 “(A) assessing the information security
25 risks associated with the operations and assets

1 for programs and systems over which such offi-
2 cials have control;

3 “(B) determining the levels of information
4 security appropriate to protect such operations
5 and assets; and

6 “(C) periodically testing and evaluating in-
7 formation security controls and techniques;

8 “(3) delegate to the agency Chief Information
9 Officer established under section 3506, or a com-
10 parable official in an agency not covered by such
11 section, the authority to administer all functions
12 under this subchapter including—

13 “(A) designating a senior agency informa-
14 tion security official who shall report to the
15 Chief Information Officer or a comparable offi-
16 cial;

17 “(B) developing and maintaining an agen-
18 cywide information security program as re-
19 quired under subsection (b);

20 “(C) ensuring that the agency effectively
21 implements and maintains information security
22 policies, procedures, and control techniques;

23 “(D) training and overseeing personnel
24 with significant responsibilities for information

1 security with respect to such responsibilities;
2 and

3 “(E) assisting senior agency officials con-
4 cerning responsibilities under paragraph (2);

5 “(4) ensure that the agency has trained per-
6 sonnel sufficient to assist the agency in complying
7 with the requirements of this subchapter and related
8 policies, procedures, standards, and guidelines; and

9 “(5) ensure that the agency Chief Information
10 Officer, in coordination with senior agency officials,
11 periodically—

12 “(A)(i) evaluates the effectiveness of the
13 agency information security program, including
14 testing control techniques; and

15 “(ii) implements appropriate remedial ac-
16 tions based on that evaluation; and

17 “(B) reports to the agency head on—

18 “(i) the results of such tests and eval-
19 uations; and

20 “(ii) the progress of remedial actions.

21 “(b)(1) Each agency shall develop and implement an
22 agencywide information security program to provide infor-
23 mation security for the operations and assets of the agen-
24 cy, including operations and assets provided or managed
25 by another agency.

1 “(2) Each program under this subsection shall
2 include—

3 “(A) periodic risk assessments that consider in-
4 ternal and external threats to—

5 “(i) the integrity, confidentiality, and
6 availability of systems; and

7 “(ii) data supporting critical operations
8 and assets;

9 “(B) policies and procedures that—

10 “(i) are based on the risk assessments re-
11 quired under subparagraph (A) that cost-effec-
12 tively reduce information security risks to an
13 acceptable level; and

14 “(ii) ensure compliance with—

15 “(I) the requirements of this sub-
16 chapter;

17 “(II) policies and procedures as may
18 be prescribed by the Director; and

19 “(III) any other applicable require-
20 ments;

21 “(C) security awareness training to inform per-
22 sonnel of—

23 “(i) information security risks associated
24 with the activities of personnel; and

1 “(ii) responsibilities of personnel in com-
2 plying with agency policies and procedures de-
3 signed to reduce such risks;

4 “(D) periodic management testing and evalua-
5 tion of the effectiveness of information security poli-
6 cies and procedures;

7 “(E) a process for ensuring remedial action to
8 address any significant deficiencies; and

9 “(F) procedures for detecting, reporting, and
10 responding to security incidents, including—

11 “(i) mitigating risks associated with such
12 incidents before substantial damage occurs;

13 “(ii) notifying and consulting with law en-
14 forcement officials and other offices and au-
15 thorities;

16 “(iii) notifying and consulting with an of-
17 fice designated by the Administrator of General
18 Services within the General Services Adminis-
19 tration; and

20 “(iv) notifying and consulting with an of-
21 fice designated by the Secretary of Defense, the
22 Director of Central Intelligence, and another
23 agency head as designated by the President for
24 incidents involving systems described under

1 subparagraphs (A) and (B) of section
2 3532(b)(2).

3 “(3) Each program under this subsection is subject
4 to the approval of the Director and is required to be re-
5 viewed at least annually by agency program officials in
6 consultation with the Chief Information Officer. In the
7 case of systems described under subparagraphs (A) and
8 (B) of section 3532(b)(2), the Director shall delegate ap-
9 proval authority under this paragraph to the Secretary of
10 Defense, the Director of Central Intelligence, and another
11 agency head as designated by the President.

12 “(c)(1) Each agency shall examine the adequacy and
13 effectiveness of information security policies, procedures,
14 and practices in plans and reports relating to—

15 “(A) annual agency budgets;

16 “(B) information resources management under
17 subchapter I of this chapter;

18 “(C) performance and results based manage-
19 ment under the Clinger-Cohen Act of 1996 (40
20 U.S.C. 1401 et seq.);

21 “(D) program performance under sections 1105
22 and 1115 through 1119 of title 31, and sections
23 2801 through 2805 of title 39; and

24 “(E) financial management under—

1 “(i) chapter 9 of title 31, United States
2 Code, and the Chief Financial Officers Act of
3 1990 (31 U.S.C. 501 note; Public Law 101–
4 576) (and the amendments made by that Act);

5 “(ii) the Federal Financial Management
6 Improvement Act of 1996 (31 U.S.C. 3512
7 note) (and the amendments made by that Act);
8 and

9 “(iii) the internal controls conducted under
10 section 3512 of title 31.

11 “(2) Any significant deficiency in a policy, procedure,
12 or practice identified under paragraph (1) shall be re-
13 ported as a material weakness in reporting required under
14 the applicable provision of law under paragraph (1).

15 “(d)(1) In addition to the requirements of subsection
16 (c), each agency, in consultation with the Chief Informa-
17 tion Officer, shall include as part of the performance plan
18 required under section 1115 of title 31 a description of—

19 “(A) the time periods, and

20 “(B) the resources, including budget, staffing,
21 and training,

22 which are necessary to implement the program required
23 under subsection (b)(1).

1 “(2) The description under paragraph (1) shall be
2 based on the risk assessment required under subsection
3 (b)(2)(A).

4 **“§ 3535. Annual independent evaluation**

5 “(a)(1) Each year each agency shall have performed
6 an independent evaluation of the information security pro-
7 gram and practices of that agency.

8 “(2) Each evaluation by an agency under this section
9 shall include—

10 “(A) testing of the effectiveness of information
11 security control techniques for an appropriate subset
12 of the agency’s information systems; and

13 “(B) an assessment (made on the basis of the
14 results of the testing) of the compliance with—

15 “(i) the requirements of this subchapter;

16 and

17 “(ii) related information security policies,
18 procedures, standards, and guidelines.

19 “(3) The Inspector General or the independent eval-
20 uator performing an evaluation under this section may use
21 an audit, evaluation, or report relating to programs or
22 practices of the applicable agency.

23 “(b)(1)(A) Subject to subparagraph (B), for agencies
24 with Inspectors General appointed under the Inspector
25 General Act of 1978 (5 U.S.C. App.) or any other law,

1 the annual evaluation required under this section or, in
2 the case of systems described under subparagraphs (A)
3 and (B) of section 3532(b)(2), an audit of the annual eval-
4 uation required under this section, shall be performed by
5 the Inspector General or by an independent evaluator, as
6 determined by the Inspector General of the agency.

7 “(B) For systems described under subparagraphs (A)
8 and (B) of section 3532(b)(2), the evaluation required
9 under this section shall be performed only by an entity
10 designated by the Secretary of Defense, the Director of
11 Central Intelligence, or another agency head as designated
12 by the President.

13 “(2) For any agency to which paragraph (1) does not
14 apply, the head of the agency shall contract with an inde-
15 pendent evaluator to perform the evaluation.

16 “(c) Each year, not later than the anniversary of the
17 date of the enactment of this subchapter, the applicable
18 agency head shall submit to the Director—

19 “(1) the results of each evaluation required
20 under this section, other than an evaluation of a sys-
21 tem described under subparagraph (A) or (B) of sec-
22 tion 3532(b)(2); and

23 “(2) the results of each audit of an evaluation
24 required under this section of a system described

1 under subparagraph (A) or (B) of section
2 3532(b)(2).

3 “(d)(1) The Director shall submit to Congress each
4 year a report summarizing the materials received from
5 agencies pursuant to subsection (c) in that year.

6 “(2) Evaluations and audits of evaluations of systems
7 under the authority and control of the Director of Central
8 Intelligence and evaluations and audits of evaluation of
9 National Foreign Intelligence Programs systems under the
10 authority and control of the Secretary of Defense shall be
11 made available only to the appropriate oversight commit-
12 tees of Congress, in accordance with applicable laws.

13 “(e) Agencies and evaluators shall take appropriate
14 actions to ensure the protection of information, the disclo-
15 sure of which may adversely affect information security.
16 Such protections shall be commensurate with the risk and
17 comply with all applicable laws.

18 **“§ 3536. Expiration**

19 “This subchapter shall not be in effect after the date
20 that is two years after the date on which this subchapter
21 takes effect.”.

22 **SEC. 1062. RESPONSIBILITIES OF CERTAIN AGENCIES.**

23 (a) DEPARTMENT OF COMMERCE.—Notwithstanding
24 section 20 of the National Institute of Standards and
25 Technology Act (15 U.S.C. 278g–3) and except as pro-

1 vided under subsection (b), the Secretary of Commerce,
2 through the National Institute of Standards and Tech-
3 nology and with technical assistance from the National Se-
4 curity Agency, as required or when requested, shall—

5 (1) develop, issue, review, and update standards
6 and guidance for the security of Federal information
7 systems, including development of methods and tech-
8 niques for security systems and validation programs;

9 (2) develop, issue, review, and update guidelines
10 for training in computer security awareness and ac-
11 cepted computer security practices, with assistance
12 from the Office of Personnel Management;

13 (3) provide agencies with guidance for security
14 planning to assist in the development of applications
15 and system security plans for such agencies;

16 (4) provide guidance and assistance to agencies
17 concerning cost-effective controls when inter-
18 connecting with other systems; and

19 (5) evaluate information technologies to assess
20 security vulnerabilities and alert Federal agencies of
21 such vulnerabilities as soon as those vulnerabilities
22 are known.

23 (b) DEPARTMENT OF DEFENSE AND THE INTEL-
24 LIGENCE COMMUNITY.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of this subtitle (including any amendment
3 made by this subtitle)—

4 (A) the Secretary of Defense, the Director
5 of Central Intelligence, and another agency
6 head as designated by the President, shall, con-
7 sistent with their respective authorities—

8 (i) develop and issue information secu-
9 rity policies, standards, and guidelines for
10 systems described under subparagraphs
11 (A) and (B) of section 3532(b)(2) of title
12 44, United States Code (as added by sec-
13 tion 1061 of this Act), that provide more
14 stringent protection, to the maximum ex-
15 tent practicable, than the policies, prin-
16 ciples, standards, and guidelines required
17 under section 3533 of such title (as added
18 by such section 1061); and

19 (ii) ensure the implementation of the
20 information security policies, principles,
21 standards, and guidelines described under
22 clause (i); and

23 (B) the Secretary of Defense shall, con-
24 sistent with his authority—

1 (i) develop and issue information secu-
2 rity policies, standards, and guidelines for
3 systems described under subparagraph (C)
4 of section 3532(b)(2) of title 44, United
5 States Code (as added by section 1061 of
6 this Act), that are operated by the Depart-
7 ment of Defense, a contractor of the De-
8 partment of Defense, or another entity on
9 behalf of the Department of Defense that
10 provide more stringent protection, to the
11 maximum extent practicable, than the poli-
12 cies, principles, standards, and guidelines
13 required under section 3533 of such title
14 (as added by such section 1061); and

15 (ii) ensure the implementation of the
16 information security policies, principles,
17 standards, and guidelines described under
18 clause (i).

19 (2) MEASURES ADDRESSED.—The policies,
20 principles, standards, and guidelines developed by
21 the Secretary of Defense and the Director of Central
22 Intelligence under paragraph (1) shall address the
23 full range of information assurance measures needed
24 to protect and defend Federal information and infor-

1 mation systems by ensuring their integrity, confiden-
2 tiality, authenticity, availability, and nonrepudiation.

3 (c) DEPARTMENT OF JUSTICE.—The Attorney Gen-
4 eral shall review and update guidance to agencies on—

5 (1) legal remedies regarding security incidents
6 and ways to report to and work with law enforce-
7 ment agencies concerning such incidents; and

8 (2) lawful uses of security techniques and tech-
9 nologies.

10 (d) GENERAL SERVICES ADMINISTRATION.—The Ad-
11 ministrators of General Services shall—

12 (1) review and update General Services Admin-
13 istration guidance to agencies on addressing security
14 considerations when acquiring information tech-
15 nology; and

16 (2) assist agencies in—

17 (A) fulfilling agency responsibilities under
18 section 3534(b)(2)(F) of title 44, United States
19 Code (as added by section 1061 of this Act);
20 and

21 (B) the acquisition of cost-effective secu-
22 rity products, services, and incident response
23 capabilities.

24 (e) OFFICE OF PERSONNEL MANAGEMENT.—The Di-
25 rector of the Office of Personnel Management shall—

1 (1) review and update Office of Personnel Man-
2 agement regulations concerning computer security
3 training for Federal civilian employees;

4 (2) assist the Department of Commerce in up-
5 dating and maintaining guidelines for training in
6 computer security awareness and computer security
7 best practices; and

8 (3) work with the National Science Foundation
9 and other agencies on personnel and training initia-
10 tives (including scholarships and fellowships, as au-
11 thorized by law) as necessary to ensure that the
12 Federal Government—

13 (A) has adequate sources of continuing in-
14 formation security education and training avail-
15 able for employees; and

16 (B) has an adequate supply of qualified in-
17 formation security professionals to meet agency
18 needs.

19 (f) INFORMATION SECURITY POLICIES, PRINCIPLES,
20 STANDARDS, AND GUIDELINES.—

21 (1) ADOPTION OF POLICIES, PRINCIPLES,
22 STANDARDS, AND GUIDELINES OF OTHER AGEN-
23 CIES.—The policies, principles, standards, and
24 guidelines developed under subsection (b) by the
25 Secretary of Defense, the Director of Central Intel-

1 ligence, and another agency head as designated by
2 the President may be adopted, to the extent that
3 such policies are consistent with policies and guid-
4 ance developed by the Director of the Office of Man-
5 agement and Budget and the Secretary of
6 Commerce—

7 (A) by the Director of the Office of Man-
8 agement and Budget, as appropriate, for appli-
9 cation to the mission critical systems of all
10 agencies; or

11 (B) by an agency head, as appropriate, for
12 application to the mission critical systems of
13 that agency.

14 (2) DEVELOPMENT OF MORE STRINGENT POLI-
15 CIES, PRINCIPLES, STANDARDS, AND GUIDELINES.—

16 To the extent that such policies are consistent with
17 policies and guidance developed by the Director of
18 the Office of Management and Budget and the Sec-
19 retary of Commerce, an agency may develop and im-
20 plement information security policies, principles,
21 standards, and guidelines that provide more strin-
22 gent protection than those required under section
23 3533 of title 44, United States Code (as added by
24 section 1061 of this Act), or subsection (a) of this
25 section.

1 (g) ATOMIC ENERGY ACT OF 1954.—Nothing in this
2 subtitle (including any amendment made by this subtitle)
3 shall supersede any requirement made by, or under, the
4 Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.). Re-
5 stricted Data or Formerly Restricted Data shall be han-
6 dled, protected, classified, downgraded, and declassified in
7 conformity with the Atomic Energy Act of 1954 (42
8 U.S.C. 2011 et seq.).

9 **SEC. 1063. RELATIONSHIP OF DEFENSE INFORMATION AS-**
10 **SURANCE PROGRAM TO GOVERNMENT-WIDE**
11 **INFORMATION SECURITY PROGRAM.**

12 (a) CONSISTENCY OF REQUIREMENTS.—Subsection
13 (b) of section 2224 of title 10, United States Code, is
14 amended—

15 (1) by striking “(b) OBJECTIVES OF THE PRO-
16 GRAM.—” and inserting “(b) OBJECTIVES AND MIN-
17 IMUM REQUIREMENTS.—(1)”; and

18 (2) by adding at the end the following:

19 “(2) The program shall at a minimum meet the re-
20 quirements of sections 3534 and 3535 of title 44.”.

21 (b) ADDITION TO ANNUAL REPORT.—Subsection (e)
22 of such section is amended by adding at the end the fol-
23 lowing new paragraph:

1 “(7) A summary of the actions taken in the ad-
 2 ministration of sections 3534 and 3535 of title 44
 3 within the Department of Defense.”.

4 **SEC. 1064. TECHNICAL AND CONFORMING AMENDMENTS.**

5 (a) TABLE OF SECTIONS.—Chapter 35 of title 44,
 6 United States Code, is amended—

7 (1) in the table of sections—

8 (A) by inserting after the chapter heading
 9 the following:

“SUBCHAPTER I—FEDERAL INFORMATION POLICY”;

10 and

11 (B) by inserting after the item relating to
 12 section 3520 the following:

“SUBCHAPTER II—INFORMATION SECURITY

“Sec.

“3531. Purposes.

“3532. Definitions.

“3533. Authority and functions of the Director.

“3534. Federal agency responsibilities.

“3535. Annual independent evaluation.

“3536. Expiration.”;

13 and

14 (2) by inserting before section 3501 the fol-
 15 lowing:

16 “SUBCHAPTER I—FEDERAL INFORMATION
 17 POLICY”.

18 (b) REFERENCES TO CHAPTER 35.—Sections 3501
 19 through 3520 of title 44, United States Code, are amend-
 20 ed by striking “chapter” each place it appears and insert-

1 ing “subchapter”, except in section 3507(i)(1) of such
2 title.

3 **SEC. 1065. EFFECTIVE DATE.**

4 This subtitle and the amendments made by this sub-
5 title shall take effect 30 days after the date of enactment
6 of this Act.

7 **Subtitle H—Security Matters**

8 **SEC. 1071. LIMITATION ON GRANTING OF SECURITY CLEAR-**
9 **ANCES.**

10 (a) IN GENERAL.—Chapter 49 of title 10, United
11 States Code, is amended by adding at the end the fol-
12 lowing new section:

13 **“§ 986. Security clearances: limitations**

14 “(a) PROHIBITION.—After the date of the enactment
15 of this section, the Department of Defense may not grant
16 or renew a security clearance for a person to whom this
17 section applies who is described in subsection (c).

18 “(b) COVERED PERSONS.—This section applies to the
19 following persons:

20 “(1) An officer or employee of the Department
21 of Defense.

22 “(2) A member of the Army, Navy, Air Force,
23 or Marine Corps who is on active duty or is in an
24 active status.

1 “(3) An officer or employee of a contractor of
2 the Department of Defense.

3 “(c) PERSONS DISQUALIFIED FROM BEING GRANT-
4 ED SECURITY CLEARANCES.—A person is described in
5 this subsection if any of the following applies to that per-
6 son:

7 “(1) The person has been convicted in any
8 court of the United States of a crime and sentenced
9 to imprisonment for a term exceeding one year.

10 “(2) The person is an unlawful user of, or is
11 addicted to, a controlled substance (as defined in
12 section 102 of the Controlled Substances Act (21
13 U.S.C. 802)).

14 “(3) The person is mentally incompetent, as de-
15 termined by a mental health professional approved
16 by the Department of Defense.

17 “(4) The person has been discharged or dis-
18 missed from the Armed Forces under dishonorable
19 conditions.

20 “(d) WAIVER AUTHORITY.—In a meritorious case,
21 the Secretary of Defense or the Secretary of the military
22 department concerned may authorize an exception to the
23 prohibition in subsection (a) for a person described in
24 paragraph (1) or (4) of subsection (c). The authority
25 under the preceding sentence may not be delegated.

1 “(e) ANNUAL REPORT.—Not later than February 1
 2 each year, the Secretary of Defense shall submit to the
 3 Committees on Armed Services of the Senate and House
 4 of Representatives a report identifying each waiver issued
 5 under subsection (d) during the preceding year with an
 6 explanation for each case of the disqualifying factor in
 7 subsection (c) that applied, and the reason for the waiver
 8 of the disqualification.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of such chapter is amended by adding
 11 at the end the following new item:

“986. Security clearances: limitations.”.

12 **SEC. 1072. PROCESS FOR PRIORITIZING BACKGROUND IN-**
 13 **VESTIGATIONS FOR SECURITY CLEARANCES**
 14 **FOR DEPARTMENT OF DEFENSE PERSONNEL**
 15 **AND DEFENSE CONTRACTOR PERSONNEL.**

16 (a) ESTABLISHMENT OF PROCESS.—Chapter 80 of
 17 title 10, United States Code, is amended by adding after
 18 section 1563, as added by section 542(a), the following
 19 new section:

20 **“§ 1564. Security clearance investigations**

21 “(a) EXPEDITED PROCESS.—The Secretary of De-
 22 fense shall prescribe a process for expediting the comple-
 23 tion of the background investigations necessary for grant-
 24 ing security clearances for Department of Defense per-
 25 sonnel and Department of Defense contractor personnel

1 who are engaged in sensitive duties that are critical to the
2 national security.

3 “(b) REQUIRED FEATURES.—The process developed
4 under subsection (a) shall provide for the following:

5 “(1) Quantification of the requirements for
6 background investigations necessary for grants of se-
7 curity clearances for Department of Defense per-
8 sonnel and Department of Defense contractor per-
9 sonnel.

10 “(2) Categorization of personnel on the basis of
11 the degree of sensitivity of their duties and the ex-
12 tent to which those duties are critical to the national
13 security.

14 “(3) Prioritization of the processing of back-
15 ground investigations on the basis of the categories
16 of personnel determined under paragraph (2).

17 “(c) ANNUAL REVIEW.—The Secretary shall conduct
18 an annual review of the process prescribed under sub-
19 section (a) and shall revise that process as determined nec-
20 essary in relation to ongoing Department of Defense mis-
21 sions.

22 “(d) CONSULTATION REQUIREMENT.—The Secretary
23 shall consult with the Secretaries of the military depart-
24 ments and the heads of Defense Agencies in carrying out
25 this section.

1 “(e) SENSITIVE DUTIES.—For the purposes of this
2 section, it is not necessary for the performance of duties
3 to involve classified activities or classified matters in order
4 for the duties to be considered sensitive and critical to the
5 national security.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by adding
8 after the item relating to section 1563, as added by section
9 542(b), the following new item:
“1564. Security clearance investigations.”.

10 (c) DEADLINE FOR PRESCRIBING PROCESS FOR
11 PRIORITIZING BACKGROUND INVESTIGATIONS FOR SECUR-
12 ITY CLEARANCES.—The process required by section
13 1564(a) of title 10, United States Code, as added by sub-
14 section (a), for expediting the completion of the back-
15 ground investigations necessary for granting security
16 clearances for certain persons shall be prescribed not later
17 than January 1, 2001.

18 **SEC. 1073. AUTHORITY TO WITHHOLD CERTAIN SENSITIVE**
19 **INFORMATION FROM PUBLIC DISCLOSURE.**

20 (a) IN GENERAL.—Chapter 3 of title 10, United
21 States Code, is amended by inserting after section 130b
22 the following new section:

1 **“§ 130c. Nondisclosure of information: certain sen-**
2 **sitive information of foreign governments**
3 **and international organizations**

4 “(a) EXEMPTION FROM DISCLOSURE.—The national
5 security official concerned (as defined in subsection (h))
6 may withhold from public disclosure otherwise required by
7 law sensitive information of foreign governments in ac-
8 cordance with this section.

9 “(b) INFORMATION ELIGIBLE FOR EXEMPTION.—
10 For the purposes of this section, information is sensitive
11 information of a foreign government only if the national
12 security official concerned makes each of the following de-
13 terminations with respect to the information:

14 “(1) That the information was provided by, oth-
15 erwise made available by, or produced in cooperation
16 with, a foreign government or international organi-
17 zation.

18 “(2) That the foreign government or inter-
19 national organization is withholding the information
20 from public disclosure (relying for that determina-
21 tion on the written representation of the foreign gov-
22 ernment or international organization to that effect).

23 “(3) That any of the following conditions are
24 met:

1 “(A) The foreign government or inter-
2 national organization requests, in writing, that
3 the information be withheld.

4 “(B) The information was provided or
5 made available to the United States Govern-
6 ment on the condition that it not be released to
7 the public.

8 “(C) The information is an item of infor-
9 mation, or is in a category of information, that
10 the national security official concerned has
11 specified in regulations prescribed under sub-
12 section (f) as being information the release of
13 which would have an adverse effect on the abil-
14 ity of the United States Government to obtain
15 the same or similar information in the future.

16 “(c) INFORMATION OF OTHER AGENCIES.—If the na-
17 tional security official concerned provides to the head of
18 another agency sensitive information of a foreign govern-
19 ment, as determined by that national security official
20 under subsection (b), and informs the head of the other
21 agency of that determination, then the head of the other
22 agency shall withhold the information from any public dis-
23 closure unless that national security official specifically
24 authorizes the disclosure.

1 “(d) LIMITATIONS.—(1) If a request for disclosure
2 covers any sensitive information of a foreign government
3 (as described in subsection (b)) that came into the posses-
4 sion or under the control of the United States Government
5 before the date of the enactment of the Floyd D. Spence
6 National Defense Authorization Act for Fiscal Year 2001
7 and more than 25 years before the request is received by
8 an agency, the information may be withheld only as set
9 forth in paragraph (3).

10 “(2)(A) If a request for disclosure covers any sen-
11 sitive information of a foreign government (as described
12 in subsection (b)) that came into the possession or under
13 the control of the United States Government on or after
14 the date referred to in paragraph (1), the authority to
15 withhold the information under this section is subject to
16 the provisions of subparagraphs (B) and (C).

17 “(B) Information referred to in subparagraph (A)
18 may not be withheld under this section after—

19 “(i) the date that is specified by a foreign gov-
20 ernment or international organization in a request
21 or expression of a condition described in paragraph
22 (1) or (2) of subsection (b) that is made by the for-
23 eign government or international organization con-
24 cerning the information; or

1 “(ii) if there are more than one such foreign
2 governments or international organizations, the lat-
3 est date so specified by any of them.

4 “(C) If no date is applicable under subparagraph (B)
5 to a request referred to in subparagraph (A) and the infor-
6 mation referred to in that subparagraph came into posses-
7 sion or under the control of the United States more than
8 10 years before the date on which the request is received
9 by an agency, the information may be withheld under this
10 section only as set forth in paragraph (3).

11 “(3) Information referred to in paragraph (1) or
12 (2)(C) may be withheld under this section in the case of
13 a request for disclosure only if, upon the notification of
14 each foreign government and international organization
15 concerned in accordance with the regulations prescribed
16 under subsection (g)(2), any such government or organiza-
17 tion requests in writing that the information not be dis-
18 closed for an additional period stated in the request of
19 that government or organization. After the national secu-
20 rity official concerned considers the request of the foreign
21 government or international organization, the official shall
22 designate a later date as the date after which the informa-
23 tion is not to be withheld under this section. The later
24 date may be extended in accordance with a later request

1 of any such foreign government or international organiza-
2 tion under this paragraph.

3 “(e) INFORMATION PROTECTED UNDER OTHER AU-
4 THORITY.—This section does not apply to information or
5 matters that are specifically required in the interest of na-
6 tional defense or foreign policy to be protected against un-
7 authorized disclosure under criteria established by an Ex-
8 ecutive order and are classified, properly, at the confiden-
9 tial, secret, or top secret level pursuant to such Executive
10 order.

11 “(f) DISCLOSURES NOT AFFECTED.—Nothing in this
12 section shall be construed to authorize any official to with-
13 hold, or to authorize the withholding of, information from
14 the following:

15 “(1) Congress.

16 “(2) The Comptroller General, unless the infor-
17 mation relates to activities that the President des-
18 ignates as foreign intelligence or counterintelligence
19 activities.

20 “(g) REGULATIONS.—(1) The national security offi-
21 cials referred to in subsection (h)(1) shall each prescribe
22 regulations to carry out this section. The regulations shall
23 include criteria for making the determinations required
24 under subsection (b). The regulations may provide for con-
25 trols on access to and use of, and special markings and

1 specific safeguards for, a category or categories of infor-
2 mation subject to this section.

3 “(2) The regulations shall include procedures for no-
4 tifying and consulting with each foreign government or
5 international organization concerned about requests for
6 disclosure of information to which this section applies.

7 “(h) DEFINITIONS.—In this section:

8 “(1) The term ‘national security official con-
9 cerned’ means the following:

10 “(A) The Secretary of Defense, with re-
11 spect to information of concern to the Depart-
12 ment of Defense, as determined by the Sec-
13 retary.

14 “(B) The Secretary of Transportation,
15 with respect to information of concern to the
16 Coast Guard, as determined by the Secretary,
17 but only while the Coast Guard is not operating
18 as a service in the Navy.

19 “(C) The Secretary of Energy, with re-
20 spect to information concerning the national se-
21 curity programs of the Department of Energy,
22 as determined by the Secretary.

23 “(2) The term ‘agency’ has the meaning given
24 that term in section 552(f) of title 5.

1 “(3) The term ‘international organization’
2 means the following:

3 “(A) A public international organization
4 designated pursuant to section 1 of the Inter-
5 national Organizations Immunities Act (59
6 Stat. 669; 22 U.S.C. 288) as being entitled to
7 enjoy the privileges, exemptions, and immuni-
8 ties provided in such Act.

9 “(B) A public international organization
10 created pursuant to a treaty or other inter-
11 national agreement as an instrument through
12 or by which two or more foreign governments
13 engage in some aspect of their conduct of inter-
14 national affairs.

15 “(C) An official mission, except a United
16 States mission, to a public international organi-
17 zation referred to in subparagraph (A) or (B).”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by inserting
20 after the item relating to section 130b the following new
21 item:

“130e. Nondisclosure of information: certain sensitive information of foreign
governments and international organizations.”.

1 **SEC. 1074. EXPANSION OF AUTHORITY TO EXEMPT GEO-**
2 **DETIC PRODUCTS OF THE DEPARTMENT OF**
3 **DEFENSE FROM PUBLIC DISCLOSURE.**

4 Section 455(b)(1)(C) of title 10, United States Code,
5 is amended by striking “or reveal military operational or
6 contingency plans” and inserting “, reveal military oper-
7 ational or contingency plans, or reveal, jeopardize, or com-
8 promise military or intelligence capabilities”.

9 **SEC. 1075. EXPENDITURES FOR DECLASSIFICATION ACTIVI-**
10 **TIES.**

11 (a) IDENTIFICATION IN BUDGET MATERIALS OF
12 AMOUNTS FOR DECLASSIFICATION ACTIVITIES.—Section
13 230 of title 10, United States Code, is amended—

14 (1) by striking “, as a budgetary line item,”;
15 and

16 (2) by adding at the end the following new sen-
17 tence: “Identification of such amounts in such budg-
18 et justification materials shall be in a single display
19 that shows the total amount for the Department of
20 Defense and the amount for each military depart-
21 ment and Defense Agency.”.

22 (b) LIMITATION ON EXPENDITURES.—The total
23 amount expended by the Department of Defense during
24 fiscal year 2001 to carry out declassification activities
25 under the provisions of sections 3.4, 3.5, and 3.6 of Execu-
26 tive Order 12958 (50 U.S.C. 435 note) and for special

1 searches (including costs for document search, copying,
2 and review and imagery analysis) may not exceed
3 \$30,000,000.

4 (c) COMPILATION AND ORGANIZATION OF
5 RECORDS.—The Department of Defense may not be re-
6 quired, when conducting a special search, to compile or
7 organize records that have already been declassified and
8 placed into the public domain.

9 (d) SPECIAL SEARCHES.—For the purpose of this
10 section, the term “special search” means the response of
11 the Department of Defense to any of the following:

12 (1) A statutory requirement to conduct a de-
13 classification review on a specified set of agency
14 records.

15 (2) An Executive order to conduct a declas-
16 sification review on a specified set of agency records.

17 (3) An order from the President or an official
18 with delegated authority from the President to con-
19 duct a declassification review on a specified set of
20 agency records.

1 **SEC. 1076. ENHANCED ACCESS TO CRIMINAL HISTORY**
2 **RECORD INFORMATION FOR NATIONAL SE-**
3 **CURITY AND OTHER PURPOSES**

4 (a) COVERAGE OF DEPARTMENT OF TRANSPOR-
5 TATION.—Section 9101 of title 5, United States Code, is
6 amended—

7 (1) by adding at the end of subsection (a) the
8 following new paragraph:

9 “(6) The term ‘covered agency’ means any of
10 the following:

11 “(A) The Department of Defense.

12 “(B) The Department of State.

13 “(C) The Department of Transportation.

14 “(D) The Office of Personnel Manage-
15 ment.

16 “(E) The Central Intelligence Agency.

17 “(F) The Federal Bureau of Investiga-
18 tion.”;

19 (2) in subsection (b)(1)—

20 (A) by striking “by the Department of De-
21 fense” and all that follows through “Federal
22 Bureau of Investigation” and inserting “by the
23 head of a covered agency”; and

24 (B) by striking “such department, office,
25 agency, or bureau” and inserting “that covered
26 agency”; and

1 (3) in subsection (c), by striking “The Depart-
2 ment of Defense” and all that follows through “Fed-
3 eral Bureau of Investigation” and inserting “A cov-
4 ered agency”.

5 (b) REPEAL OF EXPIRED PROVISION.—Subsection
6 (b) of such section is amended by striking paragraph (3).

7 (c) EXPANDED PURPOSES FOR ACCESS TO CRIMINAL
8 HISTORY INFORMATION.—Subsection (b) of such section
9 is further amended—

10 (1) by redesignating paragraph (2) as para-
11 graph (4);

12 (2) in the first sentence of paragraph (1)—

13 (A) by inserting “any of the following:”
14 after “eligibility for”; and

15 (B) by striking “(A) access to classified in-
16 formation” and all that follows through the end
17 of the sentence and inserting the following:

18 “(A) Access to classified information.

19 “(B) Assignment to or retention in sensitive na-
20 tional security duties.

21 “(C) Acceptance or retention in the armed
22 forces.

23 “(D) Appointment, retention, or assignment to
24 a position of public trust or a critical or sensitive po-

1 sition while either employed by the Government or
2 performing a Government contract.”;

3 (3) by designating the second sentence of para-
4 graph (1) as paragraph (2); and

5 (4) by designating the third sentence of para-
6 graph (1) as paragraph (3) and in that sentence by
7 striking “, nor shall” and all that follows through
8 the end of the sentence and inserting a period.

9 (d) USE OF AUTOMATED INFORMATION DELIVERY
10 SYSTEMS.—Such section is further amended—

11 (1) by redesignating subsection (e) as sub-
12 section (f); and

13 (2) by inserting after subsection (d) the fol-
14 lowing new subsection (e):

15 “(e)(1) Automated information delivery systems shall
16 be used to provide criminal history record information to
17 a covered agency under subsection (b) whenever available.

18 “(2) Fees, if any, charged for automated access
19 through such systems may not exceed the reasonable cost
20 of providing such access.

21 “(3) The criminal justice agency providing the crimi-
22 nal history record information through such systems may
23 not limit disclosure on the basis that the repository is
24 accessed from outside the State.

1 “(4) Information provided through such systems shall
2 be the full and complete criminal history record.

3 “(5) Criminal justice agencies shall accept and re-
4 spond to requests for criminal history record information
5 through such systems with printed or photocopied records
6 when requested.”.

7 (e) TECHNICAL AMENDMENTS.—Subsection (a) of
8 such section is amended—

9 (1) in paragraph (1), by striking “includes”
10 and all that follows through “thereof which” and in-
11 sserting “means (A) any Federal, State, or local
12 court, and (B) any Federal, State, or local agency,
13 or any subunit thereof, which”; and

14 (2) in paragraph (4)—

15 (A) by inserting “the Commonwealth of”
16 before “the Northern Mariana Islands”; and

17 (B) by striking “the Trust Territory of the
18 Pacific Islands,’.

19 (f) CONFORMING AMENDMENTS.—(1)(A) The head-
20 ing for chapter 91 of title 5, United States Code, is
21 amended to read as follows:

1 **“CHAPTER 91—ACCESS TO CRIMINAL HIS-**
 2 **TORY RECORDS FOR NATIONAL SECU-**
 3 **RITY AND OTHER PURPOSES”.**

4 (B) The item relating to chapter 91 in the table of
 5 chapters at the beginning of part III of such title is
 6 amended to read as follows:

“91. Access to Criminal History Records for National Security and
 Other Purposes 9101”.

7 (2)(A) The heading of section 9101 of such title is
 8 amended to read as follows:

9 **“§9101. Access to criminal history records for na-**
 10 **tional security and other purposes”.**

11 (B) The item relating to that section in the table of
 12 sections at the beginning of chapter 91 of such title is
 13 amended to read as follows:

“9101. Access to criminal history records for national security and other pur-
 poses.”.

14 (g) REPEAL OF SUPERSEDED PROVISION.—(1) Sec-
 15 tion 520a of title 10, United States Code, is repealed.

16 (2) The table of sections at the beginning of chapter
 17 31 of such title is amended by striking the item relating
 18 to section 520a.

1 **SEC. 1077. TWO-YEAR EXTENSION OF AUTHORITY TO EN-**
2 **GAGE IN COMMERCIAL ACTIVITIES AS SECU-**
3 **RITY FOR INTELLIGENCE COLLECTION AC-**
4 **TIVITIES.**

5 Section 431(a) of title 10, United States Code, is
6 amended in the second sentence by striking “December
7 31, 2000” and inserting “December 31, 2002”.

8 **SEC. 1078. COORDINATION OF NUCLEAR WEAPONS SE-**
9 **CRECY POLICIES AND CONSIDERATION OF**
10 **HEALTH OF WORKERS AT FORMER DEPART-**
11 **MENT OF DEFENSE NUCLEAR FACILITIES.**

12 (a) REVIEW OF SECRECY POLICIES.—(1) The Sec-
13 retary of Defense shall review classification and security
14 policies of the Department of Defense in order to ensure
15 that, within appropriate national security constraints,
16 those policies do not prevent or discourage former defense
17 nuclear weapons facility employees who may have been ex-
18 posed to radioactive or other hazardous substances associ-
19 ated with nuclear weapons from discussing such exposures
20 with appropriate health care providers and with other ap-
21 propriate officials.

22 (2) The policies reviewed under paragraph (1) shall
23 include the policy to neither confirm nor deny the presence
24 of nuclear weapons as that policy is applied to former de-
25 fense nuclear weapons facilities.

26 (b) DEFINITIONS.—For purposes of this section:

1 (1) The term “former defense nuclear weapons
2 facility employees” means employees and former em-
3 ployees of the Department of Defense who are or
4 were employed at a site that, as of the date of the
5 enactment of this Act, is a former defense nuclear
6 weapons facility.

7 (2) The term “former defense nuclear weapons
8 facility” means a current or former Department of
9 Defense site in the United States which at one time
10 was a defense nuclear weapons facility but which no
11 longer contains nuclear weapons or materials and
12 otherwise is no longer used for such purpose.

13 (3) The term “defense nuclear weapons facil-
14 ity” means a Department of Defense site in the
15 United States at which nuclear weapons or materials
16 are stored, assembled, disassembled, or maintained.

17 (c) NOTIFICATION OF AFFECTED EMPLOYEES.—(1)
18 The Secretary of Defense shall seek to identify
19 individuals—

20 (A) who are former defense nuclear weapons fa-
21 cility employees; and

22 (B) who, while employed at a defense nuclear
23 weapons facility, may have been exposed to radio-
24 active or hazardous substances associated with nu-
25 clear weapons.

1 (2) Upon identification of any individual under para-
2 graph (1), the Secretary of Defense shall notify that indi-
3 vidual, by mail or other individual means, of any such ex-
4 posure to radioactive or hazardous substances associated
5 with nuclear weapons that has been identified by the Sec-
6 retary. The notification shall include an explanation of
7 how (or the degree to which) that individual can discuss
8 any such exposure with a health care provider who does
9 not hold a security clearance without violating security or
10 classification procedures and, if necessary, provide guid-
11 ance to facilitate the ability of that individual to contact
12 a health care provider with appropriate security clearances
13 or otherwise to discuss such exposures with other officials
14 who are determined by the Secretary of Defense to be ap-
15 propriate.

16 (d) REPORT.—Not later than May 1, 2001, the Sec-
17 retary of Defense shall submit to the Committee on Armed
18 Services of the Senate and the Committee on Armed Serv-
19 ices of the House of Representatives a report setting
20 forth—

21 (1) the results of the review conducted under
22 subsection (a), including any changes made or rec-
23 ommendations for legislation; and

24 (2) the status of the notifications required by
25 subsection (b) and an anticipated date by which the

1 identification and notification of individuals under
 2 that subsection will be completed.

3 (e) CONSULTATION WITH SECRETARY OF ENERGY.—
 4 The Secretary of Defense shall carry out the review under
 5 subsection (a) and the identification of individuals under
 6 subsection (b), and shall prepare the report under sub-
 7 section (c), in consultation with the Secretary of Energy.

8 **Subtitle I—Other Matters**

9 **SEC. 1081. FUNDS FOR ADMINISTRATIVE EXPENSES UNDER** 10 **DEFENSE EXPORT LOAN GUARANTEE PRO-** 11 **GRAM.**

12 (a) AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS ON AN INTERIM BASIS.—Section 2540c(d)
 13 of title 10, United States Code, is amended—
 14 of title 10, United States Code, is amended—

15 (1) by inserting “(1)” after “FEES.—”; and

16 (2) by adding at the end the following new
 17 paragraph:

18 “(2)(A) If for any fiscal year amounts in the special
 19 account established under paragraph (1) are not available
 20 (or are not anticipated to be available) in a sufficient
 21 amount for administrative expenses of the Department of
 22 Defense for that fiscal year that are directly attributable
 23 to the administration of the program under this sub-
 24 chapter, the Secretary may use amounts currently avail-
 25 able for operations and maintenance for Defense-wide ac-

1 tivities, not to exceed \$500,000 in any fiscal year, for
2 those expenses.

3 “(B) The Secretary shall, from funds in the special
4 account established under paragraph (1), replenish oper-
5 ations and maintenance accounts for amounts expended
6 under subparagraph (A) as soon as the Secretary deter-
7 mines practicable.”.

8 (b) EFFECTIVE DATE.—Paragraph (2) of section
9 2540c(d) of title 10, United States Code, as added by sub-
10 section (a), shall take effect on October 1, 2000.

11 (c) LIMITATION PENDING SUBMISSION OF RE-
12 PORT.—The Secretary of Defense may not exercise the au-
13 thority provided by paragraph (2) of section 2540c(d) of
14 title 10, United States Code, as added by subsection (a),
15 until the Secretary submits to Congress a report on the
16 operation of the Defense Export Loan Guarantee Program
17 under subchapter V of chapter 148 of title 10, United
18 States Code. The report shall include the following:

19 (1) A discussion of the effectiveness of the loan
20 guarantee program in furthering the sale of United
21 States defense articles, defense services, and design
22 and construction services to nations that are speci-
23 fied in section 2540(b) of such title, to include a
24 comparison of the loan guarantee program with
25 other United States Government programs that are

1 intended to contribute to the sale of United States
2 defense articles, defense services, and design and
3 construction services and other comparisons the Sec-
4 retary determines to be appropriate.

5 (2) A discussion of the requirements and re-
6 sources (including personnel and funds) for contin-
7 ued administration of the loan guarantee program
8 by the Defense Department, to include—

9 (A) an itemization of the requirements nec-
10 essary and resources available (or that could be
11 made available) to administer the loan guar-
12 antee program for each of the following entities:
13 the Defense Security Cooperation Agency, the
14 Department of Defense International Coopera-
15 tion Office, and other Defense Department
16 agencies, offices, or activities as the Secretary
17 may specify; and

18 (B) for each such activity, agency, or of-
19 fice, a comparison of the use of Defense De-
20 partment personnel exclusively to administer,
21 manage, and oversee the program with the use
22 of contracted commercial entities to administer
23 and manage the program.

1 (3) Any legislative recommendations that the
2 Secretary believes could improve the effectiveness of
3 the program.

4 (4) A determination made by the Secretary of
5 Defense indicating which Defense Department agen-
6 cy, office, or other activity should administer, man-
7 age, and oversee the loan guarantee program to in-
8 crease sales of United States defense articles, de-
9 fense services, and design and construction services,
10 such determination to be made based on the infor-
11 mation and analysis provided in the report.

12 **SEC. 1082. TRANSIT PASS PROGRAM FOR DEPARTMENT OF**
13 **DEFENSE PERSONNEL IN POOR AIR QUALITY**
14 **AREAS.**

15 (a) IN GENERAL.—(1) Chapter 134 of title 10,
16 United States Code, is amended by adding at the end the
17 following new section:

18 **“§ 2259. Transit pass program: personnel in poor air**
19 **quality areas**

20 “(a) ESTABLISHMENT OF PROGRAM.—To encourage
21 Department of Defense personnel assigned to duty, or em-
22 ployed, in poor air quality areas to use means other than
23 single-occupancy motor vehicles to commute to or from the
24 location of their duty assignments, the Secretary of De-
25 fense shall exercise the authority provided in section 7905

1 of title 5 to establish a program to provide a transit pass
2 benefit under subsection (b)(2)(A) of that section for
3 members of the Army, Navy, Air Force, and Marine Corps
4 who are assigned to duty, and to Department of Defense
5 civilian officers and employees who are employed, in a poor
6 air quality area.

7 “(b) POOR AIR QUALITY AREAS.—In this section, the
8 term ‘poor air quality area’ means an area—

9 “(1) that is subject to the national ambient air
10 quality standards promulgated by the Administrator
11 of the Environmental Protection Agency under sec-
12 tion 109 of the Clean Air Act (42 U.S.C. 7409); and

13 “(2) that, as determined by the Administrator
14 of the Environmental Protection Agency, is a non-
15 attainment area with respect to any of those stand-
16 ards.”.

17 (2) The table of sections at the beginning of sub-
18 chapter II of such chapter is amended by adding at the
19 end the following new item:

“2259. Transit pass program: personnel in poor air quality areas.”.

20 (b) TIME FOR IMPLEMENTATION.—The Secretary of
21 Defense shall prescribe the effective date for the transit
22 pass program required under section 2259 of title 10,
23 United States Code, as added by subsection (a). The effec-
24 tive date so prescribed may not be later than the first day

1 of the first month that begins on or after the date that
2 is 180 days after the date of the enactment of this Act.

3 **SEC. 1083. TRANSFER OF VIETNAM ERA TA-4 AIRCRAFT TO**
4 **NONPROFIT FOUNDATION.**

5 (a) **AUTHORITY TO CONVEY.**—The Secretary of the
6 Navy may convey, without consideration, to the nonprofit
7 Collings Foundation of Stow, Massachusetts (in this sec-
8 tion referred to as the “foundation”), all right, title, and
9 interest of the United States in and to one surplus TA-
10 4 aircraft that is flyable or that can be readily restored
11 to flyable condition. The conveyance shall be made by
12 means of a conditional deed of gift.

13 (b) **CONDITION OF AIRCRAFT.**—(1) The Secretary
14 may not convey ownership of an aircraft under subsection
15 (a) until the Secretary determines that the foundation has
16 altered the aircraft in such manner as the Secretary deter-
17 mines necessary to ensure that the aircraft does not have
18 any capability for use as a platform for launching or re-
19 leasing munitions or any other combat capability that it
20 was designed to have. The foundation shall complete any
21 such alteration within one year after the date of the enact-
22 ment of this Act.

23 (2) The Secretary is not required to repair or alter
24 the condition of the aircraft before conveying ownership
25 of the aircraft.

1 (c) REVERTER UPON BREACH OF CONDITIONS.—

2 The Secretary shall include in the instrument of convey-
3 ance of the aircraft—

4 (1) a condition that the foundation not convey
5 any ownership interest in, or transfer possession of,
6 the aircraft to any other party without the prior ap-
7 proval of the Secretary;

8 (2) a condition that the foundation operate and
9 maintain the aircraft in compliance with all applica-
10 ble limitations and maintenance requirements im-
11 posed by the Administrator of the Federal Aviation
12 Administration; and

13 (3) a condition that if the Secretary determines
14 at any time that the foundation has conveyed an
15 ownership interest in, or transferred possession of,
16 the aircraft to any other party without the prior ap-
17 proval of the Secretary, or has failed to comply with
18 the condition set forth in paragraph (2), all right,
19 title, and interest in and to the aircraft, including
20 any repair or alteration of the aircraft, shall revert
21 to the United States, and the United States shall
22 have the right of immediate possession of the air-
23 craft.

24 (d) CONVEYANCE AT NO COST TO THE UNITED
25 STATES.—The conveyance of the aircraft under subsection

1 (a) shall be made at no cost to the United States. Any
2 costs associated with the conveyance, costs of determining
3 compliance with subsection (b), and costs of operation and
4 maintenance of the aircraft conveyed shall be borne by the
5 foundation.

6 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
7 Secretary may require such additional terms and condi-
8 tions in connection with a conveyance under this section
9 as the Secretary considers appropriate to protect the inter-
10 ests of the United States.

11 (f) **CLARIFICATION OF LIABILITY.**—Notwithstanding
12 any other provision of law, upon the conveyance of owner-
13 ship of a TA-4 aircraft to the foundation under subsection
14 (a), the United States shall not be liable for any death,
15 injury, loss, or damage that results from any use of that
16 aircraft by any person other than the United States.

17 **SEC. 1084. TRANSFER OF 19TH CENTURY CANNON TO MU-**
18 **SEUM.**

19 (a) **DONATION REQUIRED.**—The Secretary of the
20 Army shall convey, without consideration, to the Friends
21 of the Cannonball House, Incorporated (in this section re-
22 ferred to as the “recipient”), which is a nonprofit corpora-
23 tion that operates the Cannonball House Museum in
24 Macon, Georgia, all right, title, and interest of the United

1 States in and to a 12-pounder Napoleon cannon bearing
2 the following markings:

3 (1) On the top “CS”.

4 (2) On the face of the muzzle: “Macon Arsenal,
5 1864/No.41/1164 ET”.

6 (3) On the right trunnion: “Macon Arsenal
7 GEO/1864/No.41/WT.1164/E.T.”.

8 (b) ADDITIONAL TERMS AND CONDITIONS ON CON-
9 VEYANCE.—The Secretary of the Army shall include in the
10 instrument of conveyance of the cannon under subsection
11 (a)—

12 (1) a condition that the recipient not convey
13 any ownership interest in, or transfer possession of,
14 the cannon to any other party without the prior ap-
15 proval of the Secretary; and

16 (2) a condition that if the Secretary determines
17 at any time that the recipient has conveyed an own-
18 ership interest in, or transferred possession of, the
19 cannon to any other party without the prior ap-
20 proval of the Secretary, all right, title, and interest
21 in and to the cannon shall revert to the United
22 States, and the United States shall have the right of
23 immediate possession of the cannon.

24 (c) RELATIONSHIP TO OTHER LAW.—The convey-
25 ance required under this section may be carried out with-

1 out regard to the Act entitled “An Act for the preservation
2 of American antiquities”, approved June 8, 1906 (16
3 U.S.C. 431 et seq.), popularly referred to as the “Antiq-
4 uities Act of 1906”.

5 (d) ACQUISITION OF REPLACEMENT MACON CAN-
6 NON.—If the Secretary of the Army determines that the
7 Army’s inventory of Civil War era cannons should include
8 an additional cannon documented as having been manu-
9 factured in Macon, Georgia, to replace the cannon con-
10 veyed under subsection (a), the Secretary may acquire
11 such a cannon by donation or purchase with funds made
12 available for this purpose.

13 **SEC. 1085. FEES FOR PROVIDING HISTORICAL INFORMA-**
14 **TION TO THE PUBLIC.**

15 (a) ARMY.—(1) Chapter 437 of title 10, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 4595. Army Military History Institute: fee for pro-**
19 **viding historical information to the pub-**
20 **lic**

21 **“(a) AUTHORITY.—**Except as provided in subsection
22 (b), the Secretary of the Army may charge a person a fee
23 for providing the person with information from the United
24 States Army Military History Institute that is requested
25 by that person.

1 “(b) EXCEPTIONS.—A fee may not be charged under
2 this section—

3 “(1) to a person for information that the person
4 requests to carry out a duty as a member of the
5 armed forces or an officer or employee of the United
6 States; or

7 “(2) for a release of information under section
8 552 of title 5.

9 “(c) LIMITATION ON AMOUNT.—A fee charged for
10 providing information under this section may not exceed
11 the cost of providing the information.

12 “(d) RETENTION OF FEES.—Amounts received under
13 subsection (a) for providing information in any fiscal year
14 shall be credited to the appropriation or appropriations
15 charged the costs of providing information to the public
16 from the United States Army Military History Institute
17 during that fiscal year.

18 “(e) DEFINITIONS.—In this section:

19 “(1) The term ‘United States Army Military
20 History Institute’ means the archive for historical
21 records and materials of the Army that the Sec-
22 retary of the Army designates as the primary ar-
23 chive for such records and materials.

24 “(2) The terms ‘officer of the United States’
25 and ‘employee of the United States’ have the mean-

1 ings given the terms ‘officer’ and ‘employee’, respec-
2 tively, in sections 2104 and 2105, respectively, of
3 title 5.”.

4 (2) The table of sections at the beginning of such
5 chapter is amended by adding at the end the following
6 new item:

 “4595. Army Military History Institute: fee for providing historical information
 to the public.”.

7 (b) NAVY.—(1) Chapter 649 of such title is amended
8 by adding at the end the following new section:

9 **“§ 7582. Naval and Marine Corps Historical Centers:**
10 **fee for providing historical information**
11 **to the public**

12 “(a) AUTHORITY.—Except as provided in subsection
13 (b), the Secretary of the Navy may charge a person a fee
14 for providing the person with information from the United
15 States Naval Historical Center or the Marine Corps His-
16 torical Center that is requested by that person.

17 “(b) EXCEPTIONS.—A fee may not be charged under
18 this section—

19 “(1) to a person for information that the person
20 requests to carry out a duty as a member of the
21 armed forces or an officer or employee of the United
22 States; or

23 “(2) for a release of information under section
24 552 of title 5.

1 “(c) LIMITATION ON AMOUNT.—A fee charged for
2 providing information under this section may not exceed
3 the cost of providing the information.

4 “(d) RETENTION OF FEES.—Amounts received under
5 subsection (a) for providing information from the United
6 States Naval Historical Center or the Marine Corps His-
7 torical Center in any fiscal year shall be credited to the
8 appropriation or appropriations charged the costs of pro-
9 viding information to the public from that historical center
10 during that fiscal year.

11 “(e) DEFINITIONS.—In this section:

12 “(1) The term ‘United States Naval Historical
13 Center’ means the archive for historical records and
14 materials of the Navy that the Secretary of the Navy
15 designates as the primary archive for such records
16 and materials.

17 “(2) The term ‘Marine Corps Historical Center’
18 means the archive for historical records and mate-
19 rials of the Marine Corps that the Secretary of the
20 Navy designates as the primary archive for such
21 records and materials.

22 “(3) The terms ‘officer of the United States’
23 and ‘employee of the United States’ have the mean-
24 ings given the terms ‘officer’ and ‘employee’, respec-

1 tively, in sections 2104 and 2105, respectively, of
2 title 5.”.

3 (2) The heading of such chapter is amended by strik-
4 ing “**RELATED**”.

5 (3)(A) The table of sections at the beginning of such
6 chapter is amended by adding at the end the following
7 new item:

“7582. Naval and Marine Corps Historical Centers: fee for providing historical
information to the public.”.

8 (B) The item relating to such chapter in the tables
9 of chapters at the beginning of subtitle C of such title and
10 the beginning of part IV of such subtitle is amended by
11 striking out “Related”.

12 (c) AIR FORCE.—(1) Chapter 937 of such title is
13 amended by adding at the end the following new section:

14 “§ 9594. **Air Force Military History Institute: fee for**
15 **providing historical information to the**
16 **public**”

17 “(a) AUTHORITY.—Except as provided in subsection
18 (b), the Secretary of the Air Force may charge a person
19 a fee for providing the person with information from the
20 United States Air Force Military History Institute that
21 is requested by that person.

22 “(b) EXCEPTIONS.—A fee may not be charged under
23 this section—

1 “(1) to a person for information that the person
2 requests to carry out a duty as a member of the
3 armed forces or an officer or employee of the United
4 States; or

5 “(2) for a release of information under section
6 552 of title 5.

7 “(c) LIMITATION ON AMOUNT.—A fee charged for
8 providing information under this section may not exceed
9 the cost of providing the information.

10 “(d) RETENTION OF FEES.—Amounts received under
11 subsection (a) for providing information in any fiscal year
12 shall be credited to the appropriation or appropriations
13 charged the costs of providing information to the public
14 from the United States Air Force Military History Insti-
15 tute during that fiscal year.

16 “(e) DEFINITIONS.—In this section:

17 “(1) The term ‘United States Air Force Mili-
18 tary History Institute’ means the archive for histor-
19 ical records and materials of the Air Force that the
20 Secretary of the Air Force designates as the primary
21 archive for such records and materials.

22 “(2) The terms ‘officer of the United States’
23 and ‘employee of the United States’ have the mean-
24 ings given the terms ‘officer’ and ‘employee’, respec-

1 tively, in sections 2104 and 2105, respectively, of
 2 title 5.”.

3 (2) The table of sections at the beginning of such
 4 chapter is amended by adding at the end the following
 5 new item:

“9594. Air Force Military History Institute: fee for providing historical information to the public.”.

6 **SEC. 1086. GRANTS TO AMERICAN RED CROSS FOR ARMED**
 7 **FORCES EMERGENCY SERVICES.**

8 (a) GRANTS AUTHORIZED.—Subject to subsection
 9 (b), the Secretary of Defense may make a grant to the
 10 American Red Cross in an amount not to exceed
 11 \$9,400,000 in each of fiscal years 2001, 2002, and 2003
 12 for the support of the Armed Forces Emergency Services
 13 program of the American Red Cross.

14 (b) MATCHING REQUIREMENT.—The grant under
 15 subsection (a) for a fiscal year may not be made until after
 16 the American Red Cross Incorporated, certifies to the Sec-
 17 retary of Defense that the American Red Cross will ex-
 18 pend for the Armed Forces Emergency Services program
 19 for that fiscal year funds, derived from non-Federal
 20 sources, in a total amount that equals or exceeds the
 21 amount of the grant.

22 **SEC. 1087. TECHNICAL AND CLERICAL AMENDMENTS.**

23 (a) TITLE 10, UNITED STATES CODE.—Title 10,
 24 United States Code, is amended as follows:

1 (1) Section 180(d) is amended by striking “sec-
2 tion 5376” and inserting “section 5315”.

3 (2) Section 628(c)(2) is amended by striking
4 “section” in the second sentence after “rather than
5 the provisions of” and inserting “sections”.

6 (3) Section 702(b)(2) is amended by striking
7 “section 230(c)” and inserting “section 203(c)”.

8 (4) Section 706(c) is amended—

9 (A) by striking “(1)” after “(c)”; and

10 (B) by striking paragraph (2).

11 (5) Section 1074g is amended—

12 (A) in subsection (a)(6), by striking “as
13 part of the regulations established” and insert-
14 ing “in the regulations prescribed”;

15 (B) in subsection (a)(7), by striking “not
16 included on the uniform formulary, but,” and
17 inserting “that are not included on the uniform
18 formulary but that are”;

19 (C) in subsection (b)(1), by striking “re-
20 quired by” in the last sentence and inserting
21 “prescribed under”;

22 (D) in subsection (d)(2), by striking “Not
23 later than” and all that follows through “uti-
24 lize” and inserting “Effective not later than
25 April 5, 2000, the Secretary shall use”;

1 (E) in subsection (e)—

2 (i) by striking “Not later than April
3 1, 2000, the” and inserting “The”; and

4 (ii) by inserting “in” before “the
5 TRICARE” and before “the national”;

6 (F) in subsection (f)—

7 (i) by striking “As used in this sec-
8 tion—” and inserting “In this section.”;

9 (ii) by striking “the” at the beginning
10 of paragraphs (1) and (2) and inserting
11 “The”; and

12 (iii) by striking “; and” at the end of
13 paragraph (1) and inserting a period; and

14 (G) in subsection (g), by striking “promul-
15 gate” and inserting “prescribe”.

16 (6) Section 1076c(b)(5)(C) is amended by strik-
17 ing “pursuant to subsection (i)(2) of such section”.

18 (7) Section 1095d(b) is amended by striking
19 “subparagraphs” and inserting “subparagraph”.

20 (8) Section 1109(b) is amended by striking
21 “(1)” before “The Secretaries”.

22 (9) Section 1142(b)(4) is amended by striking
23 “sections 1151, 1152, and 1153 of this title” and
24 inserting “sections 1152 and 1153 of this title and

1 the Troops-to-Teachers Program Act of 1999 (20
2 U.S.C. 9301 et seq.)”.

3 (10) Section 1448(b)(3)(E)(ii) is amended by
4 striking the second comma after “October 16,
5 1998”.

6 (11) Section 1598 is amended—

7 (A) in subsection (d)(2), by inserting “as
8 in effect on October 4, 1999,” after “of this
9 title,” both places it appears; and

10 (B) in subsection (f), by inserting “, as in
11 effect on October 4, 1999,” after “of this title”.

12 (12) Section 2113(f) is amended—

13 (A) by striking paragraph (2);

14 (B) by redesignating paragraph (3) as
15 paragraph (4); and

16 (C) by designating the penultimate sen-
17 tence and the last sentence of paragraph (1) as
18 paragraphs (2) and (3), respectively.

19 (13) Section 2401(b)(1)(B) is amended by
20 striking “Committees on Appropriations” and insert-
21 ing “Committee on Appropriations”.

22 (14) Section 2410j is amended—

23 (A) in subsection (f)(2), by inserting “as in
24 effect on October 4, 1999,” after “of this title,”
25 both places it appears; and

1 (B) in subsection (h), by inserting “, as in
2 effect on October 4, 1999,” after “of this title”.

3 (15) Section 2688 is amended by redesignating
4 subsections (i) and (j) as subsections (h) and (i), re-
5 spectively.

6 (16) Section 2814(k) is amended by inserting
7 “and” after “Balanced Budget”.

8 (17) Sections 4357(e)(5), 6975(e)(5), and
9 9356(e)(5) are amended by inserting a close paren-
10 thesis after “80b–2”.

11 (18) Section 5143(c)(2) is amended by striking
12 “has a grade” and inserting “has the grade of”.

13 (19) Section 5144(c)(2) is amended by striking
14 “has a grade” and inserting “has the grade of”.

15 (20) Section 10218 is amended—

16 (A) in subsections (a)(1), (b)(1), (b)(2)(A),
17 and (b)(2)(B)(ii), by striking “the date of the
18 enactment of this section” each place it appears
19 and inserting “October 5, 1999,”;

20 (B) in subsections (a)(3)(B)(i) and
21 (b)(2)(B)(i), by striking “the end of the one-
22 year period beginning on the date of the enact-
23 ment of this subsection” and inserting “October
24 5, 2000”;

1 (C) in subsection (b)(1), by striking “six
2 months after the date of the enactment of this
3 section” and inserting “April 5, 2000”; and

4 (D) in subsection (b)(3), by striking “with-
5 in six months of the date of the enactment of
6 this section” and inserting “during the period
7 beginning on October 5, 1999, and ending on
8 April 5, 2000,”.

9 (21) Section 12552 is amended by inserting a
10 period at the end.

11 (22) Section 18233a(b) is amended—

12 (A) in paragraph (1), by striking “section
13 2805(c)(1)” and inserting “section
14 2805(c)(1)(A)”; and

15 (B) in paragraph (2), by striking “section
16 2805(c)(2)” and inserting “section
17 2805(c)(1)(B)”.

18 (b) TITLE 37, UNITED STATES CODE.—Title 37,
19 United States Code, is amended as follows:

20 (1) Section 301b(j)(2) is amended by striking
21 “section 301a(a)(6)(A)” and inserting “section
22 301a(a)(6)(B)”.

23 (2) Section 403(f)(3) is amended by striking
24 “regulation” and inserting “regulations”.

1 (3) Section 404(b)(2) is amended by striking
2 “section 402(e)” and inserting “section 403(f)(3)”.

3 (4) The section 435 added by section 586(b) of
4 the National Defense Authorization Act for Fiscal
5 Year 2000 (Public Law 106–65; 113 Stat. 638) is
6 redesignated as section 436, and the item relating to
7 that section in the table of sections at the beginning
8 of chapter 7 is revised to conform to such redesigna-
9 tion.

10 (5) Section 1012 is amended by striking “sec-
11 tion 402(b)(3)” and inserting “section 402(e)”.

12 (c) PUBLIC LAW 106–65.—(1) Effective as of Octo-
13 ber 5, 1999, and as if included therein as enacted, the
14 National Defense Authorization Act for Fiscal Year 2000
15 (Public Law 106–65; 113 Stat. 512 et seq) is amended
16 as follows:

17 (A) Section 578 is amended—

18 (i) in subsection (j) (113 Stat. 630), by
19 striking “Chapter 4” and inserting “Chapter
20 7”; and

21 (ii) in subsection (k)(4) (113 Stat. 631),
22 by striking “chapter 4” and inserting “chapter
23 7”.

1 (B) Section 586(c)(2) (113 Stat. 639) is
2 amended by striking “relating to section 434” and
3 inserting “added by section 578(k)(4)”.

4 (C) Section 601(c) (113 Stat. 645; 37 U.S.C.
5 1009 note) is amended—

6 (i) in the first table, relating to commis-
7 sioned officers, by striking “\$12,441.00” in
8 footnote 2 and inserting “\$12,488.70”; and

9 (ii) in the fourth table, relating to enlisted
10 members, by striking “\$4,701.00” in footnote 2
11 and inserting “\$4,719.00”.

12 (D) Section 657(a)(1)(A) (113 Stat. 668; 10
13 U.S.C. 1450 note) is amended by striking “August
14 21, 1983” and inserting “August 19, 1983”.

15 (2) In the case of any former spouse to whom para-
16 graph (3) of section 1450(f) of title 10, United States
17 Code, applies by reason of the amendment made by para-
18 graph (1)(D), the provisions of subsection (b) of section
19 657 of the National Defense Authorization Act for Fiscal
20 Year 2000 shall be applied by using the date of the enact-
21 ment of this Act, rather than the date of the enactment
22 of that Act.

23 (d) PUBLIC LAW 105–261.—Effective as of October
24 17, 1998, and as if included therein as enacted, the Strom
25 Thurmond National Defense Authorization Act for Fiscal

1 Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.)

2 is amended as follows:

3 (1) Section 142 (112 Stat. 1943; 50 U.S.C.
4 1521 note) is amended—

5 (A) in subsection (e), by striking
6 “1521(f))” and inserting “1521 note)”; and

7 (B) by redesignating the second subsection
8 (f) as subsection (g).

9 (2) Section 503(b)(1) (112 Stat. 2003) is
10 amended by inserting “its” after “record of” in the
11 first quoted matter therein.

12 (3) Section 645(b) (112 Stat. 2050) is amended
13 by striking “a member” and inserting “member” in
14 the quoted matter therein.

15 (4) Section 701 (112 Stat. 2056) is amended—

16 (A) in subsection (a), by inserting “(1)”
17 before “Section 1076a(b)(2)”; and

18 (B) in subsection (b), by inserting “of such
19 title” after “1076a”.

20 (5) Section 802(b) (112 Stat. 2081) is amended
21 by striking “Administrative” in the first quoted mat-
22 ter therein and inserting “Administration”.

23 (6) Section 1101(e)(2)(C) (112 Stat. 2140; 5
24 U.S.C. 3104 note) is amended by striking “sub-
25 section (c)(1)” and inserting “subsection (c)(2)”.

1 (7) Section 1405(k)(2) (112 Stat. 2170; 50
2 U.S.C. 2301 note) is amended by striking “sub-
3 chapter” and inserting “chapter”.

4 (e) PUBLIC LAW 105–85.—The National Defense
5 Authorization Act for Fiscal Year 1998 (Public Law 105–
6 85) is amended as follows:

7 (1) Section 602(d)(1)(A) (111 Stat. 1773; 37
8 U.S.C. 402 note) is amended by striking “of” the
9 first place it appears in the matter preceding clause
10 (i).

11 (2) Section 1221(a)(3) (22 U.S.C. 1928 note),
12 as amended by section 1233(a)(2)(A) of Public Law
13 105–261 (112 Stat. 2156), is amended by striking
14 the second close parenthesis after “relief efforts”.

15 (f) TITLE 5, UNITED STATES CODE.—Title 5, United
16 States Code, is amended as follows:

17 (1) Section 3329 is amended—

18 (A) in subsection (a), by striking “such
19 term” and inserting “the term ‘military techni-
20 cian (dual status)’ ”; and

21 (B) in subsection (b), by striking “section
22 1332 of title 10” and inserting “section 12732
23 of title 10”.

1 (2) Section 5531 is amended by striking “sec-
2 tions 5532 and” in the matter preceding paragraph
3 (1) and inserting “section”.

4 (3) Section 8116(a)(4) is amended by striking
5 “, subject to” and all that follows through “United
6 States Code”.

7 (4) Section 8339(g) is amended by striking
8 “the application of the limitation in section 5532 of
9 this title, or” in the third sentence.

10 (5) Section 8344(h)(1) is amended by inserting
11 “(as in effect before the repeal of that section by
12 section 651(a) of Public Law 106–65)” after “sec-
13 tion 5532(f)(2) of this title”.

14 (g) OTHER LAWS.—

15 (1) Section 834(e) of the National Defense Au-
16 thorization Act for Fiscal Years 1990 and 1991 (15
17 U.S.C. 637 note) is amended by striking the second
18 period after “2005”.

19 (2) Section 2905(b)(4) of the Defense Base
20 Closure and Realignment Act of 1990 (part A of
21 title XXIX of Public Law 101–510; 10 U.S.C. 2687
22 note) is amended by transferring subparagraph (G)
23 so as to appear immediately before subparagraph
24 (H), as added by section 2821(a) of the National

1 Defense Authorization Act for Fiscal Year 2000
2 (Public Law 106–65; 113 Stat. 853).

3 (3) Section 686(b) of title 14, United States
4 Code, is amended—

5 (A) in paragraph (1), by striking “section
6 403(b)” and inserting “section 403(e)”; and

7 (B) in paragraph (2), by striking “a basic
8 allowance for quarters under section 403 of title
9 37, and, if in a high housing cost area, a vari-
10 able housing allowance under section 403a of
11 that title” and inserting “a basic allowance for
12 housing under section 403 of title 37”.

13 (4) Chapter 701 of title 36, United States
14 Code, relating to the Federal charter of the Fleet
15 Reserve Association, is amended in sections
16 70102(a) and 70108(a) by striking “Delaware” and
17 inserting “Pennsylvania”.

18 (5) Section 7426 of title 38, United States
19 Code, is amended by striking subsection (c).

20 (6) The item relating to chapter 112 in the
21 table of chapters at the beginning of subtitle II of
22 title 46, United States Code, is amended by revising
23 the second and third words so that the initial letter
24 of each of those words is lower case.

1 (7) Section 405(f)(6)(B) of the Departments of
2 Labor, Health and Human Services, and Education,
3 and Related Agencies Appropriations Act, 1999 (as
4 contained in section 101(f) of division A of Public
5 Law 105–277; 112 Stat. 2681–430), is amended by
6 striking “Act of title” in the first quoted matter
7 therein and inserting “Act or title”.

8 (8) Section 1403(c)(6) of the Defense Depend-
9 ents’ Education Act of 1978 (20 U.S.C. 922(c)(6))
10 is amended by striking “the” before “Assistant Sec-
11 retary of Defense”.

12 (9) Effective as of October 5, 1999, section 224
13 b. of the Atomic Energy Act of 1954 (42 U.S.C.
14 2274(b)) is amended by striking “\$500,000” and in-
15 serting “\$50,000”.

16 (h) COORDINATION WITH OTHER AMENDMENTS.—
17 For purposes of applying amendments made by provisions
18 of this Act other than provisions of this section, this sec-
19 tion shall be treated as having been enacted immediately
20 before the other provisions of this Act.

21 **SEC. 1088. MAXIMUM SIZE OF PARCEL POST PACKAGES**
22 **TRANSPORTED OVERSEAS FOR ARMED**
23 **FORCES POST OFFICES.**

24 Section 3401(b) of title 39, United States Code, is
25 amended by striking “100 inches in length and girth com-

1 bined” in paragraphs (2) and (3) and inserting “the max-
 2 imum size allowed by the Postal Service for fourth class
 3 parcel post (known as ‘Standard Mail (B)’).”

4 **SEC. 1089. SENSE OF CONGRESS REGARDING TAX TREAT-**
 5 **MENT OF MEMBERS RECEIVING SPECIAL PAY**
 6 **FOR DUTY SUBJECT TO HOSTILE FIRE OR IM-**
 7 **MINENT DANGER.**

8 It is the sense of Congress that members of the
 9 Armed Forces who receive special pay under section 310
 10 of title 37, United States Code, for duty subject to hostile
 11 fire or imminent danger should receive the same treatment
 12 under Federal income tax laws as members serving in
 13 combat zones.

14 **SEC. 1090. ORGANIZATION AND MANAGEMENT OF CIVIL AIR**
 15 **PATROL.**

16 (a) IN GENERAL.—Chapter 909 of title 10, United
 17 States Code, is amended to read as follows:

18 **“CHAPTER 909—CIVIL AIR PATROL**

“Sec.

“9441. Status as federally chartered corporation; purposes.

“9442. Status as volunteer civilian auxiliary of the Air Force.

“9443. Activities performed as federally chartered nonprofit corporation.

“9444. Activities performed as auxiliary of the Air Force.

“9445. Funds appropriated for the Civil Air Patrol.

“9446. Miscellaneous personnel authorities.

“9447. Board of Governors.

“9448. Regulations.

1 **“§ 9441. Status as federally chartered corporation;**
2 **purposes**

3 “(a) STATUS.—(1) The Civil Air Patrol is a nonprofit
4 corporation that is federally chartered under section
5 40301 of title 36.

6 “(2) Except as provided in section 9442(b)(2) of this
7 title, the Civil Air Patrol is not an instrumentality of the
8 Federal Government for any purpose.

9 “(b) PURPOSES.—The purposes of the Civil Air Pa-
10 trol are set forth in section 40302 of title 36.

11 **“§ 9442. Status as volunteer civilian auxiliary of the**
12 **Air Force**

13 “(a) VOLUNTEER CIVILIAN AUXILIARY.—The Civil
14 Air Patrol is a volunteer civilian auxiliary of the Air Force
15 when the services of the Civil Air Patrol are used by any
16 department or agency in any branch of the Federal Gov-
17 ernment.

18 “(b) USE BY AIR FORCE.—(1) The Secretary of the
19 Air Force may use the services of the Civil Air Patrol to
20 fulfill the noncombat programs and missions of the De-
21 partment of the Air Force.

22 “(2) The Civil Air Patrol shall be deemed to be an
23 instrumentality of the United States with respect to any
24 act or omission of the Civil Air Patrol, including any mem-
25 ber of the Civil Air Patrol, in carrying out a mission as-
26 signed by the Secretary of the Air Force.

1 **“§ 9443. Activities performed as federally chartered**
2 **nonprofit corporation**

3 “(a) USE OF FEDERALLY PROVIDED RESOURCES.—
4 In its status as a federally chartered nonprofit corpora-
5 tion, the Civil Air Patrol may use equipment, supplies, and
6 other resources, including aircraft, motor vehicles, com-
7 puters, and communications equipment, provided to the
8 Civil Air Patrol by a department or agency of the Federal
9 Government or acquired by or for the Civil Air Patrol with
10 appropriated funds (or with funds of the Civil Air Patrol,
11 but reimbursed from appropriated funds)—

12 “(1) to provide assistance requested by State or
13 local governmental authorities to perform disaster
14 relief missions and activities, other emergency mis-
15 sions and activities, and nonemergency missions and
16 activities; and

17 “(2) to fulfill its other purposes set forth in sec-
18 tion 40302 of title 36.

19 “(b) USE SUBJECT TO APPLICABLE LAWS.—The use
20 of equipment, supplies, or other resources under sub-
21 section (a) is subject to the laws and regulations that gov-
22 ern the use by nonprofit corporations of federally provided
23 assets or of assets purchased with appropriated funds, as
24 the case may be.

25 “(c) AUTHORITY NOT CONTINGENT ON REIMBURSE-
26 MENT.—The authority for the Civil Air Patrol to provide

1 assistance under subsection (a)(1) is not contingent on the
2 Civil Air Patrol being reimbursed for the cost of providing
3 the assistance. If the Civil Air Patrol elects to require re-
4 imbursement for the provision of assistance under such
5 subsection, the Civil Air Patrol may establish the reim-
6 bursement rate at a rate less than the rates charged by
7 private sector sources for equivalent services.

8 “(d) LIABILITY INSURANCE.—The Secretary of the
9 Air Force may provide the Civil Air Patrol with funds for
10 paying the cost of liability insurance to cover missions and
11 activities carried out under this section.

12 **“§ 9444. Activities performed as auxiliary of the Air**
13 **Force**

14 “(a) AIR FORCE SUPPORT FOR ACTIVITIES.—The
15 Secretary of the Air Force may furnish to the Civil Air
16 Patrol in accordance with this section any equipment, sup-
17 plies, and other resources that the Secretary determines
18 necessary to enable the Civil Air Patrol to fulfill the mis-
19 sions assigned by the Secretary to the Civil Air Patrol as
20 an auxiliary of the Air Force.

21 “(b) FORMS OF AIR FORCE SUPPORT.—The Sec-
22 retary of the Air Force may, under subsection (a)—

23 “(1) give, lend, or sell to the Civil Air Patrol
24 without regard to the Federal Property and Admin-

1 Administrative Services Act of 1949 (40 U.S.C. 471 et
2 seq.)—

3 “(A) major items of equipment (including
4 aircraft, motor vehicles, computers, and com-
5 munications equipment) that are excess to the
6 military departments; and

7 “(B) necessary related supplies and train-
8 ing aids that are excess to the military depart-
9 ments;

10 “(2) permit the use, with or without charge, of
11 services and facilities of the Air Force;

12 “(3) furnish supplies (including fuel, lubricants,
13 and other items required for vehicle and aircraft op-
14 erations) or provide funds for the acquisition of sup-
15 plies;

16 “(4) establish, maintain, and supply liaison offi-
17 cers of the Air Force at the national, regional, State,
18 and territorial headquarters of the Civil Air Patrol;

19 “(5) detail or assign any member of the Air
20 Force or any officer, employee, or contractor of the
21 Department of the Air Force to any liaison office at
22 the national, regional, State, or territorial head-
23 quarters of the Civil Air Patrol;

24 “(6) detail any member of the Air Force or any
25 officer, employee, or contractor of the Department of

1 the Air Force to any unit or installation of the Civil
2 Air Patrol to assist in the training programs of the
3 Civil Air Patrol;

4 “(7) authorize the payment of travel expenses
5 and allowances, at rates not to exceed those paid to
6 employees of the United States under subchapter I
7 of chapter 57 of title 5, to members of the Civil Air
8 Patrol while the members are carrying out programs
9 or missions specifically assigned by the Air Force;

10 “(8) provide funds for the national head-
11 quarters of the Civil Air Patrol, including—

12 “(A) funds for the payment of staff com-
13 pensation and benefits, administrative expenses,
14 travel, per diem and allowances, rent, utilities,
15 other operational expenses of the national head-
16 quarters; and

17 “(B) to the extent considered necessary by
18 the Secretary of the Air Force to fulfill Air
19 Force requirements, funds for the payment of
20 compensation and benefits for key staff at re-
21 gional, State, or territorial headquarters;

22 “(9) authorize the payment of expenses of plac-
23 ing into serviceable condition, improving, and main-
24 taining equipment (including aircraft, motor vehi-

1 cles, computers, and communications equipment)
2 owned or leased by the Civil Air Patrol;

3 “(10) provide funds for the lease or purchase of
4 items of equipment that the Secretary determines
5 necessary for the Civil Air Patrol;

6 “(11) support the Civil Air Patrol cadet pro-
7 gram by furnishing—

8 “(A) articles of the Air Force uniform to
9 cadets without cost; and

10 “(B) any other support that the Secretary
11 of the Air Force determines is consistent with
12 Air Force missions and objectives; and

13 “(12) provide support, including appropriated
14 funds, for the Civil Air Patrol aerospace education
15 program to the extent that the Secretary of the Air
16 Force determines appropriate for furthering the ful-
17 fillment of Air Force missions and objectives.

18 “(c) ASSISTANCE BY OTHER AGENCIES.—(1) The
19 Secretary of the Air Force may arrange for the use by
20 the Civil Air Patrol of such facilities and services under
21 the jurisdiction of the Secretary of the Army, the Sec-
22 retary of the Navy, or the head of any other department
23 or agency of the United States as the Secretary of the
24 Air Force considers to be needed by the Civil Air Patrol
25 to carry out its mission.

1 “(2) An arrangement for use of facilities or services
2 of a military department or other department or agency
3 under this subsection shall be subject to the agreement
4 of the Secretary of the military department or head of the
5 other department or agency, as the case may be.

6 “(3) Each arrangement under this subsection shall
7 be made in accordance with regulations prescribed under
8 section 9448 of this title.

9 **“§ 9445. Funds appropriated for the Civil Air Patrol**

10 “Funds appropriated for the Civil Air Patrol shall be
11 available only for the exclusive use of the Civil Air Patrol.

12 **“§ 9446. Miscellaneous personnel authorities**

13 “(a) USE OF RETIRED AIR FORCE PERSONNEL.—

14 (1) Upon the request of a person retired from service in
15 the Air Force, the Secretary of the Air Force may enter
16 into a personal services contract with that person pro-
17 viding for the person to serve as an administrator or liai-
18 son officer for the Civil Air Patrol. The qualifications of
19 a person to provide the services shall be determined and
20 approved in accordance with regulations prescribed under
21 section 9448 of this title.

22 “(2) To the extent provided in a contract under para-
23 graph (1), a person providing services under the contract
24 may accept services on behalf of the Air Force.

1 “(3) A person, while providing services under a con-
2 tract authorized under paragraph (1), may not be consid-
3 ered to be on active duty or inactive-duty training for any
4 purpose.

5 “(b) USE OF CIVIL AIR PATROL CHAPLAINS.—The
6 Secretary of the Air Force may use the services of Civil
7 Air Patrol chaplains in support of the Air Force active
8 duty and reserve component forces to the extent and under
9 conditions that the Secretary determines appropriate.

10 **“§ 9447. Board of Governors**

11 “(a) GOVERNING BODY.—The Board of Governors of
12 the Civil Air Patrol is the governing body of the Civil Air
13 Patrol.

14 “(b) COMPOSITION.—The Board of Governors is
15 composed of 11 members as follows:

16 “(1) Four members appointed by the Secretary
17 of the Air Force, who may be active or retired offi-
18 cers of the Air Force (including reserve components
19 of the Air Force), employees of the United States,
20 or private citizens.

21 “(2) Four members of the Civil Air Patrol, se-
22 lected in accordance with the constitution and by-
23 laws of the Civil Air Patrol.

24 “(3) Three members appointed or selected as
25 provided in subsection (c) from among personnel of

1 any Federal Government agencies, public corpora-
2 tions, nonprofit associations, and other organizations
3 that have an interest and expertise in civil aviation
4 and the Civil Air Patrol mission.

5 “(c) APPOINTMENTS FROM INTERESTED ORGANIZA-
6 TIONS.—(1) Subject to paragraph (2), the members of the
7 Board of Governors referred to in subsection (b)(3) shall
8 be appointed jointly by the Secretary of the Air Force and
9 the National Commander of the Civil Air Patrol.

10 “(2) Any vacancy in the position of a member re-
11 ferred to in paragraph (1) that is not filled under that
12 paragraph within 90 days shall be filled by majority vote
13 of the other members of the Board.

14 “(d) CHAIRMAN.—The Chairman of the Board of
15 Governors shall be chosen by the members of the Board
16 of Governors from among the members of the Board re-
17 ferred to in paragraphs (1) and (2) of subsection (b) and
18 shall serve for a term of two years. The position of Chair-
19 man shall be held on a rotating basis between members
20 of the Board appointed by the Secretary of the Air Force
21 under paragraph (1) of subsection (b) and members of the
22 Board selected under paragraph (2) of that subsection.

23 “(e) POWERS.—(1) The Board of Governors shall,
24 subject to paragraphs (2) and (3), exercise the powers

1 granted to the Civil Air Patrol under section 40304 of title
2 36.

3 “(2) Any exercise by the Board of the power to
4 amend the constitution or bylaws of the Civil Air Patrol
5 or to adopt a new constitution or bylaws shall be subject
6 to approval by a majority of the members of the Board.

7 “(3) Neither the Board of Governors nor any other
8 component of the Civil Air Patrol may modify or terminate
9 any requirement or authority set forth in this section.

10 “(f) PERSONAL LIABILITY FOR BREACH OF A FIDU-
11 CIARY DUTY.—(1) Subject to paragraph (2), the Board
12 of Governors may take such action as is necessary to limit
13 the personal liability of a member of the Board of Gov-
14 ernors to the Civil Air Patrol, or to any of its members,
15 for monetary damages for a breach of fiduciary duty while
16 serving as a member of the Board.

17 “(2) The Board may not limit the liability of a mem-
18 ber of the Board of Governors to the Civil Air Patrol, or
19 to any of its members, for monetary damages for any of
20 the following:

21 “(A) A breach of the member’s duty of loyalty
22 to the Civil Air Patrol or its members.

23 “(B) Any act or omission that is not in good
24 faith or that involves intentional misconduct or a
25 knowing violation of law.

1 “(C) Participation in any transaction from
2 which the member directly or indirectly derives an
3 improper personal benefit.

4 “(3) Nothing in this subsection shall be construed as
5 rendering section 207 or 208 of title 18 inapplicable in
6 any respect to a member of the Board of Governors who
7 is a member of the Air Force on active duty, an officer
8 on a retired list of the Air Force, or an employee of the
9 United States.

10 “(g) PERSONAL LIABILITY FOR BREACH OF A FIDU-
11 CIARY DUTY.—(1) Except as provided in paragraph (2),
12 no member of the Board of Governors or officer of the
13 Civil Air Patrol shall be personally liable for damages for
14 any injury or death or loss or damage of property resulting
15 from a tortious act or omission of an employee or member
16 of the Civil Air Patrol.

17 “(2) Paragraph (1) does not apply to a member of
18 the Board of Governors or officer of the Civil Air Patrol
19 for a tortious act or omission in which the member or offi-
20 cer, as the case may be, was personally involved, whether
21 in breach of a civil duty or in commission of a criminal
22 offense.

23 “(3) Nothing in this subsection shall be construed to
24 restrict the applicability of common law protections and

1 rights that a member of the Board of Governors or officer
2 of the Civil Air Patrol may have.

3 “(4) The protections provided under this subsection
4 are in addition to the protections provided under sub-
5 section (f).

6 **“§ 9448. Regulations**

7 “(a) AUTHORITY.—The Secretary of the Air Force
8 shall prescribe regulations for the administration of this
9 chapter.

10 “(b) REQUIRED REGULATIONS.—The regulations
11 shall include the following:

12 “(1) Regulations governing the conduct of the
13 activities of the Civil Air Patrol when it is per-
14 forming its duties as a volunteer civilian auxiliary of
15 the Air Force under section 9442 of this title.

16 “(2) Regulations for providing support by the
17 Air Force and for arranging assistance by other
18 agencies under section 9444 of this title.

19 “(3) Regulations governing the qualifications of
20 retired Air Force personnel to serve as an adminis-
21 trator or liaison officer for the Civil Air Patrol under
22 a personal services contract entered into under sec-
23 tion 9446(a) of this title.

1 “(c) APPROVAL BY SECRETARY OF DEFENSE.—The
2 regulations required by subsection (b)(2) shall be subject
3 to the approval of the Secretary of Defense.”.

4 (b) CONFORMING AMENDMENTS.—(1) Section 40302
5 of title 36, United States Code, is amended—

6 (A) by striking “to—” in the matter preceding
7 paragraph (1) and inserting “as follows.”;

8 (B) by inserting “To” after the paragraph des-
9 ignation in each of paragraphs (1), (2), (3), and (4);

10 (C) by striking the semicolon at the end of
11 paragraphs (1)(B) and (2) and inserting a period;

12 (D) by striking “; and” at the end of paragraph
13 (3) and inserting a period; and

14 (E) by adding at the end the following:

15 “(5) To assist the Department of the Air Force
16 in fulfilling its noncombat programs and missions.”.

17 (2)(A) Section 40303 of such title is amended—

18 (i) by inserting “(a) MEMBERSHIP.—” before
19 “Eligibility”; and

20 (ii) by adding at the end the following:

21 “(b) GOVERNING BODY.—The Civil Air Patrol has a
22 Board of Governors. The composition and responsibilities
23 of the Board of Governors are set forth in section 9447
24 of title 10.”.

1 (B) The heading for such section is amended to read
 2 as follows:

3 **“§ 40303. Membership and governing body”.**

4 (C) The item relating to such section in the table of
 5 sections at the beginning of chapter 403 of title 36, United
 6 States Code, is amended to read as follows:

“40303. Membership and governing body.”.

7 (c) EFFECTIVE DATE.—The amendments made by
 8 this section shall take effect 120 days after the date of
 9 the enactment of this Act.

10 **SEC. 1091. ADDITIONAL DUTIES FOR COMMISSION TO AS-**

11 **SESS UNITED STATES NATIONAL SECURITY**

12 **SPACE MANAGEMENT AND ORGANIZATION.**

13 Section 1622(a) of the National Defense Authoriza-
 14 tion Act for Fiscal Year 2000 (Public Law 106–65; 113
 15 Stat. 814; 10 U.S.C. 111 note) is amended by adding at
 16 the end the following new paragraph:

17 “(6) The advisability of—

18 “(A) various actions to eliminate the de
 19 facto requirement that specified officers in the
 20 United States Space Command be flight rated
 21 that results from the dual assignment of offi-
 22 cers to that command and to one or more other
 23 commands in positions in which such officers
 24 are expressly required to be flight rated;

1 “(B) the establishment of a requirement
2 that, as a condition of the assignment of a gen-
3 eral or flag officer to the United States Space
4 Command, the officer have experience in space,
5 missile, or information operations that was
6 gained through either acquisition or operational
7 experience; and

8 “(C) rotating the command of the United
9 States Space Command among the Armed
10 Forces.”.

11 **SEC. 1092. COMMISSION ON THE FUTURE OF THE UNITED**
12 **STATES AEROSPACE INDUSTRY.**

13 (a) **ESTABLISHMENT.**—There is established a com-
14 mission to be known as the “Commission on the Future
15 of the United States Aerospace Industry” (in this section
16 referred to as the “Commission”).

17 (b) **MEMBERSHIP.**—(1) The Commission shall be
18 composed of 12 members appointed, not later than March
19 1, 2001, as follows:

20 (A) Up to six members shall be appointed by
21 the President.

22 (B) Two members shall be appointed by the
23 Speaker of the House of Representatives.

24 (C) Two members shall be appointed by the
25 majority leader of the Senate.

1 (D) One member shall be appointed by the mi-
2 nority leader of the Senate.

3 (E) One member shall be appointed by the mi-
4 nority leader of the House of Representatives.

5 (2) The members of the Commission shall be ap-
6 pointed from among persons with extensive experience and
7 national reputations in aerospace manufacturing, econom-
8 ics, finance, national security, international trade, or for-
9 eign policy and persons who are representative of labor
10 organizations associated with the aerospace industry.

11 (3) Members shall be appointed for the life of the
12 Commission. A vacancy in the Commission shall not affect
13 its powers, but shall be filled in the same manner as the
14 original appointment.

15 (4) The President shall designate one member of the
16 Commission to serve as the chairman of the Commission.

17 (5) The Commission shall meet at the call of the
18 chairman. A majority of the members shall constitute a
19 quorum, but a lesser number may hold hearings.

20 (c) DUTIES.—(1) The Commission shall—

21 (A) study the issues associated with the future
22 of the United States aerospace industry in the global
23 economy, particularly in relationship to United
24 States national security; and

1 (B) assess the future importance of the domes-
2 tic aerospace industry for the economic and national
3 security of the United States.

4 (2) In order to fulfill its responsibilities, the Commis-
5 sion shall study the following:

6 (A) The budget process of the United States
7 Government, particularly with a view to assessing
8 the adequacy of projected budgets of the federal de-
9 partments and agencies for aerospace research and
10 development and procurement.

11 (B) The acquisition process of the Government,
12 particularly with a view to assessing—

13 (i) the adequacy of the current acquisition
14 process of federal departments and agencies;
15 and

16 (ii) the procedures for developing and field-
17 ing aerospace systems incorporating new tech-
18 nologies in a timely fashion.

19 (C) The policies, procedures, and methods for
20 the financing and payment of government contracts.

21 (D) Statutes and regulations governing inter-
22 national trade and the export of technology, particu-
23 larly with a view to assessing—

24 (i) the extent to which the current system
25 for controlling the export of aerospace goods,

1 services, and technologies reflects an adequate
2 balance between the need to protect national se-
3 curity and the need to ensure unhindered access
4 to the global marketplace; and

5 (ii) the adequacy of United States and
6 multilateral trade laws and policies for main-
7 taining the international competitiveness of the
8 United States aerospace industry.

9 (E) Policies governing taxation, particularly
10 with a view to assessing the impact of current tax
11 laws and practices on the international competitive-
12 ness of the aerospace industry.

13 (F) Programs for the maintenance of the na-
14 tional space launch infrastructure, particularly with
15 a view to assessing the adequacy of current and pro-
16 jected programs for maintaining the national space
17 launch infrastructure.

18 (G) Programs for the support of science and
19 engineering education, including current programs
20 for supporting aerospace science and engineering ef-
21 forts at institutions of higher learning, with a view
22 to determining the adequacy of those programs.

23 (d) REPORT.—(1) Not later than March 1, 2002, the
24 Commission shall submit a report on its activities to the
25 President and Congress.

1 (2) The report shall include the following:

2 (A) The Commission's findings and conclusions.

3 (B) The Commission's recommendations for ac-
4 tions by federal departments and agencies to support
5 the maintenance of a robust aerospace industry in
6 the United States in the 21st century and any rec-
7 ommendations for statutory and regulatory changes
8 to support the implementation of the Commission's
9 findings.

10 (C) A discussion of the appropriate means for
11 implementing the Commission's recommendations.

12 (e) ADMINISTRATIVE REQUIREMENTS AND AUTHORI-
13 TIES.—(1) The Director of the Office of Management and
14 Budget shall ensure that the Commission is provided such
15 administrative services, facilities, staff, and other support
16 services as may be necessary. Any expenses of the Com-
17 mission shall be paid from funds available to the Director.

18 (2) The Commission may hold hearings, sit and act
19 at times and places, take testimony, and receive evidence
20 that the Commission considers advisable to carry out the
21 purposes of this section.

22 (3) The Commission may request directly from any
23 department or agency of the United States any informa-
24 tion that the Commission considers necessary to carry out
25 the provisions of this section. To the extent consistent with

1 applicable requirements of law and regulations, the head
2 of such department or agency shall furnish such informa-
3 tion to the Commission.

4 (4) The Commission may use the United States mails
5 in the same manner and under the same conditions as
6 other departments and agencies of the United States.

7 (f) COMMISSION PERSONNEL MATTERS.—(1) Mem-
8 bers of the Commission shall serve without additional com-
9 pensation for their service on the Commission, except that
10 members appointed from among private citizens may be
11 allowed travel expenses, including per diem in lieu of sub-
12 sistence, as authorized by law for persons serving intermit-
13 tently in government service under subchapter I of chapter
14 57 of title 5, United States Code, while away from their
15 homes and places of business in the performance of serv-
16 ices for the Commission.

17 (2) The chairman of the Commission may appoint
18 staff of the Commission, request the detail of Federal em-
19 ployees, and accept temporary and intermittent services
20 in accordance with section 3161 of title 5, United States
21 Code (as added by section 1101 of this Act).

22 (g) TERMINATION.—The Commission shall terminate
23 30 days after the date of the submission of its report
24 under subsection (d).

1 **SEC. 1093. DRUG ADDICTION TREATMENT.**

2 (a) IN GENERAL.—Section 303(g) of the Controlled
3 Substances Act (21 U.S.C. 823(g)) is amended—

4 (1) in paragraph (2), by striking “(A) security”
5 and inserting “(i) security”, and by striking “(B)
6 the maintenance” and inserting “(ii) the mainte-
7 nance”;

8 (2) by redesignating paragraphs (1) through
9 (3) as subparagraphs (A) through (C), respectively;

10 (3) by inserting “(1)” after “(g)”;

11 (4) by striking “Practitioners who dispense”
12 and inserting “Except as provided in paragraph (2),
13 practitioners who dispense”; and

14 (5) by adding at the end the following para-
15 graph:

16 “(2)(A) Subject to subparagraphs (D) and (J), the
17 requirements of paragraph (1) are waived in the case of
18 the dispensing (including the prescribing), by a practi-
19 tioner, of narcotic drugs in schedule III, IV, or V or com-
20 binations of such drugs if the practitioner meets the condi-
21 tions specified in subparagraph (B) and the narcotic drugs
22 or combinations of such drugs meet the conditions speci-
23 fied in subparagraph (C).

24 “(B) For purposes of subparagraph (A), the condi-
25 tions specified in this subparagraph with respect to a prac-
26 titioner are that, before the initial dispensing of narcotic

1 drugs in schedule III, IV, or V or combinations of such
2 drugs to patients for maintenance or detoxification treat-
3 ment, the practitioner submit to the Secretary a notifica-
4 tion of the intent of the practitioner to begin dispensing
5 the drugs or combinations for such purpose, and that the
6 notification contain the following certifications by the
7 practitioner:

8 “(i) The practitioner is a qualifying physician
9 (as defined in subparagraph (G)).

10 “(ii) With respect to patients to whom the prac-
11 titioner will provide such drugs or combinations of
12 drugs, the practitioner has the capacity to refer the
13 patients for appropriate counseling and other appro-
14 priate ancillary services.

15 “(iii) In any case in which the practitioner is
16 not in a group practice, the total number of such pa-
17 tients of the practitioner at any one time will not ex-
18 ceed the applicable number. For purposes of this
19 clause, the applicable number is 30, except that the
20 Secretary may by regulation change such total num-
21 ber.

22 “(iv) In any case in which the practitioner is in
23 a group practice, the total number of such patients
24 of the group practice at any one time will not exceed
25 the applicable number. For purposes of this clause,

1 the applicable number is 30, except that the Sec-
2 retary may by regulation change such total number,
3 and the Secretary for such purposes may by regula-
4 tion establish different categories on the basis of the
5 number of practitioners in a group practice and es-
6 tablish for the various categories different numerical
7 limitations on the number of such patients that the
8 group practice may have.

9 “(C) For purposes of subparagraph (A), the condi-
10 tions specified in this subparagraph with respect to nar-
11 cotic drugs in schedule III, IV, or V or combinations of
12 such drugs are as follows:

13 “(i) The drugs or combinations of drugs have,
14 under the Federal Food, Drug, and Cosmetic Act or
15 section 351 of the Public Health Service Act, been
16 approved for use in maintenance or detoxification
17 treatment.

18 “(ii) The drugs or combinations of drugs have
19 not been the subject of an adverse determination.
20 For purposes of this clause, an adverse determina-
21 tion is a determination published in the Federal
22 Register and made by the Secretary, after consulta-
23 tion with the Attorney General, that the use of the
24 drugs or combinations of drugs for maintenance or
25 detoxification treatment requires additional stand-

1 ards respecting the qualifications of practitioners to
2 provide such treatment, or requires standards re-
3 specting the quantities of the drugs that may be pro-
4 vided for unsupervised use.

5 “(D)(i) A waiver under subparagraph (A) with re-
6 spect to a practitioner is not in effect unless (in addition
7 to conditions under subparagraphs (B) and (C)) the fol-
8 lowing conditions are met:

9 “(I) The notification under subparagraph (B) is
10 in writing and states the name of the practitioner.

11 “(II) The notification identifies the registration
12 issued for the practitioner pursuant to subsection
13 (f).

14 “(III) If the practitioner is a member of a
15 group practice, the notification states the names of
16 the other practitioners in the practice and identifies
17 the registrations issued for the other practitioners
18 pursuant to subsection (f).

19 “(ii) Upon receiving a notification under subpara-
20 graph (B), the Attorney General shall assign the practi-
21 tioner involved an identification number under this para-
22 graph for inclusion with the registration issued for the
23 practitioner pursuant to subsection (f). The identification
24 number so assigned shall be appropriate to preserve the
25 confidentiality of patients for whom the practitioner has

1 dispensed narcotic drugs under a waiver under subpara-
2 graph (A).

3 “(iii) Not later than 45 days after the date on which
4 the Secretary receives a notification under subparagraph
5 (B), the Secretary shall make a determination of whether
6 the practitioner involved meets all requirements for a
7 waiver under subparagraph (B). If the Secretary fails to
8 make such determination by the end of the such 45-day
9 period, the Attorney General shall assign the physician an
10 identification number described in clause (ii) at the end
11 of such period.

12 “(E)(i) If a practitioner is not registered under para-
13 graph (1) and, in violation of the conditions specified in
14 subparagraphs (B) through (D), dispenses narcotic drugs
15 in schedule III, IV, or V or combinations of such drugs
16 for maintenance treatment or detoxification treatment, the
17 Attorney General may, for purposes of section 304(a)(4),
18 consider the practitioner to have committed an act that
19 renders the registration of the practitioner pursuant to
20 subsection (f) to be inconsistent with the public interest.

21 “(ii)(I) Upon the expiration of 45 days from the date
22 on which the Secretary receives a notification under sub-
23 paragraph (B), a practitioner who in good faith submits
24 a notification under subparagraph (B) and reasonably be-
25 lieves that the conditions specified in subparagraphs (B)

1 through (D) have been met shall, in dispensing narcotic
2 drugs in schedule III, IV, or V or combinations of such
3 drugs for maintenance treatment or detoxification treat-
4 ment, be considered to have a waiver under subparagraph
5 (A) until notified otherwise by the Secretary, except that
6 such a practitioner may commence to prescribe or dispense
7 such narcotic drugs for such purposes prior to the expira-
8 tion of such 45-day period if it facilitates the treatment
9 of an individual patient and both the Secretary and the
10 Attorney General are notified by the practitioner of the
11 intent to commence prescribing or dispensing such nar-
12 cotic drugs.

13 “(II) For purposes of subclause (I), the publication
14 in the Federal Register of an adverse determination by
15 the Secretary pursuant to subparagraph (C)(ii) shall (with
16 respect to the narcotic drug or combination involved) be
17 considered to be a notification provided by the Secretary
18 to practitioners, effective upon the expiration of the 30-
19 day period beginning on the date on which the adverse
20 determination is so published.

21 “(F)(i) With respect to the dispensing of narcotic
22 drugs in schedule III, IV, or V or combinations of such
23 drugs to patients for maintenance or detoxification treat-
24 ment, a practitioner may, in his or her discretion, dispense
25 such drugs or combinations for such treatment under a

1 registration under paragraph (1) or a waiver under sub-
2 paragraph (A) (subject to meeting the applicable condi-
3 tions).

4 “(ii) This paragraph may not be construed as having
5 any legal effect on the conditions for obtaining a registra-
6 tion under paragraph (1), including with respect to the
7 number of patients who may be served under such a reg-
8 istration.

9 “(G) For purposes of this paragraph:

10 “(i) The term ‘group practice’ has the meaning
11 given such term in section 1877(h)(4) of the Social
12 Security Act.

13 “(ii) The term ‘qualifying physician’ means a
14 physician who is licensed under State law and who
15 meets one or more of the following conditions:

16 “(I) The physician holds a subspecialty
17 board certification in addiction psychiatry from
18 the American Board of Medical Specialties.

19 “(II) The physician holds an addiction cer-
20 tification from the American Society of Addic-
21 tion Medicine.

22 “(III) The physician holds a subspecialty
23 board certification in addiction medicine from
24 the American Osteopathic Association.

1 “(IV) The physician has, with respect to
2 the treatment and management of opiate-de-
3 pendent patients, completed not less than eight
4 hours of training (through classroom situations,
5 seminars at professional society meetings, elec-
6 tronic communications, or otherwise) that is
7 provided by the American Society of Addiction
8 Medicine, the American Academy of Addiction
9 Psychiatry, the American Medical Association,
10 the American Osteopathic Association, the
11 American Psychiatric Association, or any other
12 organization that the Secretary determines is
13 appropriate for purposes of this subclause.

14 “(V) The physician has participated as an
15 investigator in one or more clinical trials lead-
16 ing to the approval of a narcotic drug in sched-
17 ule III, IV, or V for maintenance or detoxifica-
18 tion treatment, as demonstrated by a statement
19 submitted to the Secretary by the sponsor of
20 such approved drug.

21 “(VI) The physician has such other train-
22 ing or experience as the State medical licensing
23 board (of the State in which the physician will
24 provide maintenance or detoxification treat-
25 ment) considers to demonstrate the ability of

1 the physician to treat and manage opiate-de-
2 pendent patients.

3 “(VII) The physician has such other train-
4 ing or experience as the Secretary considers to
5 demonstrate the ability of the physician to treat
6 and manage opiate-dependent patients. Any cri-
7 teria of the Secretary under this subclause shall
8 be established by regulation. Any such criteria
9 are effective only for 3 years after the date on
10 which the criteria are promulgated, but may be
11 extended for such additional discrete 3-year pe-
12 riods as the Secretary considers appropriate for
13 purposes of this subclause. Such an extension of
14 criteria may only be effectuated through a
15 statement published in the Federal Register by
16 the Secretary during the 30-day period pre-
17 ceding the end of the 3-year period involved.

18 “(H)(i) In consultation with the Administrator of the
19 Drug Enforcement Administration, the Administrator of
20 the Substance Abuse and Mental Health Services Admin-
21 istration, the Director of the National Institute on Drug
22 Abuse, and the Commissioner of Food and Drugs, the Sec-
23 retary shall issue regulations (through notice and com-
24 ment rulemaking) or issue practice guidelines to address
25 the following:

1 “(I) Approval of additional credentialing bodies
2 and the responsibilities of additional credentialing
3 bodies.

4 “(II) Additional exemptions from the require-
5 ments of this paragraph and any regulations under
6 this paragraph.

7 Nothing in such regulations or practice guidelines may au-
8 thorize any Federal official or employee to exercise super-
9 vision or control over the practice of medicine or the man-
10 ner in which medical services are provided.

11 “(ii) Not later than 120 days after the date of the
12 enactment of the Floyd D. Spence National Defense Au-
13 thorization Act for Fiscal Year 2001, the Secretary shall
14 issue a treatment improvement protocol containing best
15 practice guidelines for the treatment and maintenance of
16 opiate-dependent patients. The Secretary shall develop the
17 protocol in consultation with the Director of the National
18 Institute on Drug Abuse, the Administrator of the Drug
19 Enforcement Administration, the Commissioner of Food
20 and Drugs, the Administrator of the Substance Abuse and
21 Mental Health Services Administration, and other sub-
22 stance abuse disorder professionals. The protocol shall be
23 guided by science.

24 “(I) During the 3-year period beginning on the date
25 of the enactment of the Floyd D. Spence National Defense

1 Authorization Act for Fiscal Year 2001, a State may not
2 preclude a practitioner from dispensing or prescribing
3 drugs in schedule III, IV, or V, or combinations of such
4 drugs, to patients for maintenance or detoxification treat-
5 ment in accordance with this paragraph unless, before the
6 expiration of that 3-year period, the State enacts a law
7 prohibiting a practitioner from dispensing such drugs or
8 combinations of drug.

9 “(J)(i) This paragraph takes effect on the date of the
10 enactment of the Floyd D. Spence National Defense Au-
11 thorization Act for Fiscal Year 2001, and remains in ef-
12 fect thereafter except as provided in clause (iii) (relating
13 to a decision by the Secretary or the Attorney General that
14 this paragraph should not remain in effect).

15 “(ii) For purposes relating to clause (iii), the Sec-
16 retary and the Attorney General may, during the 3-year
17 period beginning on the date of the enactment of the Floyd
18 D. Spence National Defense Authorization Act for Fiscal
19 Year 2001, make determinations in accordance with the
20 following:

21 “(I) The Secretary may make a determination
22 of whether treatments provided under waivers under
23 subparagraph (A) have been effective forms of main-
24 tenance treatment and detoxification treatment in
25 clinical settings; may make a determination of

1 whether such waivers have significantly increased
2 (relative to the beginning of such period) the avail-
3 ability of maintenance treatment and detoxification
4 treatment; and may make a determination of wheth-
5 er such waivers have adverse consequences for the
6 public health.

7 “(II) The Attorney General may make a deter-
8 mination of the extent to which there have been vio-
9 lations of the numerical limitations established
10 under subparagraph (B) for the number of individ-
11 uals to whom a practitioner may provide treatment;
12 may make a determination of whether waivers under
13 subparagraph (A) have increased (relative to the be-
14 ginning of such period) the extent to which narcotic
15 drugs in schedule III, IV, or V or combinations of
16 such drugs are being dispensed or possessed in viola-
17 tion of this Act; and may make a determination of
18 whether such waivers have adverse consequences for
19 the public health.

20 “(iii) If, before the expiration of the period specified
21 in clause (ii), the Secretary or the Attorney General pub-
22 lishes in the Federal Register a decision, made on the
23 basis of determinations under such clause, that this para-
24 graph should not remain in effect, this paragraph ceases
25 to be in effect 60 days after the date on which the decision

1 is so published. The Secretary shall in making any such
2 decision consult with the Attorney General, and shall in
3 publishing the decision in the Federal Register include any
4 comments received from the Attorney General for inclu-
5 sion in the publication. The Attorney General shall in
6 making any such decision consult with the Secretary, and
7 shall in publishing the decision in the Federal Register
8 include any comments received from the Secretary for in-
9 clusion in the publication.”.

10 (b) CONFORMING AMENDMENTS.—Section 304 of the
11 Controlled Substances Act (21 U.S.C. 824) is amended—

12 (1) in subsection (a), in the matter after and
13 below paragraph (5), by striking “section 303(g)”
14 each place such term appears and inserting “section
15 303(g)(1)”; and

16 (2) in subsection (d), by striking “section
17 303(g)” and inserting “section 303(g)(1)”.

18 (c) ADDITIONAL AUTHORIZATION OF APPROPRIA-
19 TIONS.—For the purpose of assisting the Secretary of
20 Health and Human Services with the additional duties es-
21 tablished for the Secretary pursuant to the amendments
22 made by this section, there are authorized to be appro-
23 priated, in addition to other authorizations of appropria-
24 tions that are available for such purpose, such sums as

1 may be necessary for each of fiscal years 2001 through
2 2003.

3 (d) COORDINATION OF PROVISIONS.—(1) If the Drug
4 Addiction Treatment Act of 2000 is enacted before this
5 Act, the provisions of this section shall not take effect.

6 (2) If the Drug Addiction Treatment Act of 2000 is
7 enacted after this Act, the amendments made by this sec-
8 tion shall be deemed for all purposes to have been made
9 by section 3502 of that Act and this section shall cease
10 to be in effect as of that enactment.

11 **TITLE XI—DEPARTMENT OF** 12 **DEFENSE CIVILIAN PERSONNEL**

Subtitle A—Civilian Personnel Management Generally

- Sec. 1101. Employment and compensation of employees for temporary organi-
zations established by law or Executive order.
- Sec. 1102. Assistive technology accommodations program.
- Sec. 1103. Extension of authority for voluntary separations in reductions in
force.
- Sec. 1104. Electronic maintenance of performance appraisal systems.
- Sec. 1105. Study on civilian personnel services.

Subtitle B—Demonstration and Pilot Programs

- Sec. 1111. Pilot program for reengineering the equal employment opportunity
complaint process.
- Sec. 1112. Work safety demonstration program.
- Sec. 1113. Extension, expansion, and revision of authority for experimental per-
sonnel program for scientific and technical personnel.
- Sec. 1114. Clarification of personnel management authority under personnel
demonstration project.

Subtitle C—Educational Assistance

- Sec. 1121. Restructuring the restriction on degree training.
- Sec. 1122. Student loan repayment programs.
- Sec. 1123. Extension of authority for tuition reimbursement and training for
civilian employees in the defense acquisition workforce.

Subtitle D—Other Benefits

- Sec. 1131. Additional special pay for foreign language proficiency beneficial for United States national security interests.
- Sec. 1132. Approval authority for cash awards in excess of \$10,000.
- Sec. 1133. Leave for crews of certain vessels.
- Sec. 1134. Life insurance for emergency essential Department of Defense employees.

Subtitle E—Intelligence Civilian Personnel

- Sec. 1141. Expansion of defense civilian intelligence personnel system positions.
- Sec. 1142. Increase in number of positions authorized for the Defense Intelligence Senior Executive Service.

Subtitle F—Voluntary Separation Incentive Pay and Early Retirement Authority

- Sec. 1151. Extension, revision, and expansion of authorities for use of voluntary separation incentive pay and voluntary early retirement.
- Sec. 1152. Department of Defense employee voluntary early retirement authority.
- Sec. 1153. Limitations.

1 Subtitle A—Civilian Personnel

2 Management Generally

3 SEC. 1101. EMPLOYMENT AND COMPENSATION OF EMPLOY-

4 EES FOR TEMPORARY ORGANIZATIONS ES-

5 TABLISHED BY LAW OR EXECUTIVE ORDER.

6 (a) IN GENERAL.—Chapter 31 of title 5, United

7 States Code, is amended by adding at the end the fol-

8 lowing new subchapter:

9 “SUBCHAPTER IV—TEMPORARY ORGANIZA-

10 TIONS ESTABLISHED BY LAW OR EXECU-

11 TIVE ORDER

12 “§ 3161. **Employment and compensation of employees**

13 “(a) DEFINITION OF TEMPORARY ORGANIZATION.—

14 For the purposes of this subchapter, the term ‘temporary

15 organization’ means a commission, committee, board, or

16 other organization that—

1 “(1) is established by law or Executive order
2 for a specific period not in excess of three years for
3 the purpose of performing a specific study or other
4 project; and

5 “(2) is terminated upon the completion of the
6 study or project or upon the occurrence of a condi-
7 tion related to the completion of the study or
8 project.

9 “(b) EMPLOYMENT AUTHORITY.—(1) Notwith-
10 standing the provisions of chapter 51 of this title, the head
11 of a temporary organization may appoint persons to posi-
12 tions of employment in a temporary organization in such
13 numbers and with such skills as are necessary for the per-
14 formance of the functions required of a temporary organi-
15 zation.

16 “(2) The period of an appointment under paragraph
17 (1) may not exceed three years, except that under regula-
18 tions prescribed by the Office of Personnel Management
19 the period of appointment may be extended for up to an
20 additional two years.

21 “(3) The positions of employment in a temporary or-
22 ganization are in the excepted service of the civil service.

23 “(c) DETAIL AUTHORITY.—Upon the request of the
24 head of a temporary organization, the head of any depart-
25 ment or agency of the Government may detail, on a non-

1 reimbursable basis, any personnel of the department or
2 agency to that organization to assist in carrying out its
3 duties.

4 “(d) COMPENSATION.—(1) The rate of basic pay for
5 an employee appointed under subsection (b) shall be estab-
6 lished under regulations prescribed by the Office of Per-
7 sonnel Management without regard to the provisions of
8 chapter 51 and subchapter III of chapter 53 of this title.

9 “(2) The rate of basic pay for the chairman, a mem-
10 ber, an executive director, a staff director, or another exec-
11 utive level position of a temporary organization may not
12 exceed the maximum rate of basic pay established for the
13 Senior Executive Service under section 5382 of this title.

14 “(3) Except as provided in paragraph (4), the rate
15 of basic pay for other positions in a temporary organiza-
16 tion may not exceed the maximum rate of basic pay for
17 grade GS–15 of the General Schedule under section 5332
18 of this title.

19 “(4) The rate of basic pay for a senior staff position
20 of a temporary organization may, in a case determined
21 by the head of the temporary organization as exceptional,
22 exceed the maximum rate of basic pay authorized under
23 paragraph (3), but may not exceed the maximum rate of
24 basic pay authorized for an executive level position under
25 paragraph (2).

1 “(5) In this subsection, the term ‘basic pay’ includes
2 locality pay provided for under section 5304 of this title.

3 “(e) TRAVEL EXPENSES.—An employee of a tem-
4 porary organization, whether employed on a full-time or
5 part-time basis, may be allowed travel and transportation
6 expenses, including per diem in lieu of subsistence, at
7 rates authorized for employees of agencies under sub-
8 chapter I of chapter 57 of this title, while traveling away
9 from the employee’s regular place of business in the per-
10 formance of services for the temporary organization.

11 “(f) BENEFITS.—An employee appointed under sub-
12 section (b) shall be afforded the same benefits and entitle-
13 ments as are provided temporary employees under this
14 title.

15 “(g) RETURN RIGHTS.—An employee serving under
16 a career or career conditional appointment or the equiva-
17 lent in an agency who transfers to or converts to an ap-
18 pointment in a temporary organization with the consent
19 of the head of the agency is entitled to be returned to
20 the employee’s former position or a position of like senior-
21 ity, status, and pay without grade or pay retention in the
22 agency if the employee—

23 “(1) is being separated from the temporary or-
24 ganization for reasons other than misconduct, ne-
25 glect of duty, or malfeasance; and

1 “(2) applies for return not later than 30 days
2 before the earlier of—

3 “(A) the date of the termination of the em-
4 ployment in the temporary organization; or

5 “(B) the date of the termination of the
6 temporary organization.

7 “(h) TEMPORARY AND INTERMITTENT SERVICES.—
8 The head of a temporary organization may procure for
9 the organization temporary and intermittent services
10 under section 3109(b) of this title.

11 “(i) ACCEPTANCE OF VOLUNTEER SERVICES.—(1)
12 The head of a temporary organization may accept volun-
13 teer services appropriate to the duties of the organization
14 without regard to section 1342 of title 31.

15 “(2) Donors of voluntary services accepted for a tem-
16 porary organization under this subsection may include the
17 following:

18 “(A) Advisors.

19 “(B) Experts.

20 “(C) Members of the commission, committee,
21 board, or other temporary organization, as the case
22 may be.

23 “(D) A person performing services in any other
24 capacity determined appropriate by the head of the
25 temporary organization.

1 “(3) The head of the temporary organization—

2 “(A) shall ensure that each person performing
3 voluntary services accepted under this subsection is
4 notified of the scope of the voluntary services accept-
5 ed;

6 “(B) shall supervise the volunteer to the same
7 extent as employees receiving compensation for simi-
8 lar services; and

9 “(C) shall ensure that the volunteer has appro-
10 priate credentials or is otherwise qualified to per-
11 form in each capacity for which the volunteer’s serv-
12 ices are accepted.

13 “(4) A person providing volunteer services accepted
14 under this subsection shall be considered an employee of
15 the Federal Government in the performance of those serv-
16 ices for the purposes of the following provisions of law:

17 “(A) Chapter 81 of this title, relating to com-
18 pensation for work-related injuries.

19 “(B) Chapter 171 of title 28, relating to tort
20 claims.

21 “(C) Chapter 11 of title 18, relating to conflicts
22 of interest.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of such chapter is amended by adding
25 at the end the following:

“SUBCHAPTER IV—TEMPORARY ORGANIZATIONS ESTABLISHED
BY LAW OR EXECUTIVE ORDER

“Sec.

“3161. Employment and compensation of employees.”.

1 **SEC. 1102. ASSISTIVE TECHNOLOGY ACCOMMODATIONS**
2 **PROGRAM.**

3 (a) AUTHORITY TO PROVIDE TECHNOLOGY, DE-
4 VICES, AND SERVICES.—Chapter 81 of title 10, United
5 States Code, is amended by inserting after section 1581
6 the following new section:

7 **“§ 1582. Assistive technology, assistive technology de-**
8 **vices, and assistive technology services**

9 “(a) AUTHORITY.—The Secretary of Defense may
10 provide assistive technology, assistive technology devices,
11 and assistive technology services to the following:

12 “(1) Department of Defense employees with
13 disabilities.

14 “(2) Organizations within the Department that
15 have requirements to make programs or facilities ac-
16 cessible to, and usable by, persons with disabilities.

17 “(3) Any other department or agency of the
18 Federal Government, upon the request of the head
19 of that department or agency, for its employees with
20 disabilities or for satisfying a requirement to make
21 its programs or facilities accessible to, and usable
22 by, persons with disabilities.

1 “(b) DEFINITIONS.—In this section, the terms ‘as-
 2 sistive technology’, ‘assistive technology device’, ‘assistive
 3 technology service’, and ‘disability’ have the meanings
 4 given those terms in section 3 of the Assistive Technology
 5 Act of 1998 (29 U.S.C. 3002).”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 at the beginning of such chapter is amended by inserting
 8 after the item relating to section 1581 the following new
 9 item:

 “1582. Assistive technology, assistive technology devices, and assistive tech-
 nology services.”.

10 **SEC. 1103. EXTENSION OF AUTHORITY FOR VOLUNTARY**
 11 **SEPARATIONS IN REDUCTIONS IN FORCE.**

12 Section 3502(f)(5) of title 5, United States Code, is
 13 amended by striking “September 30, 2001” and inserting
 14 “September 30, 2005”.

15 **SEC. 1104. ELECTRONIC MAINTENANCE OF PERFORMANCE**
 16 **APPRAISAL SYSTEMS.**

17 Section 4302 of title 5, United States Code, is
 18 amended by adding at the end the following new sub-
 19 section:

20 “(c) In accordance with regulations which the Office
 21 shall prescribe, the head of an agency may administer and
 22 maintain a performance appraisal system electronically.”.

1 **SEC. 1105. STUDY ON CIVILIAN PERSONNEL SERVICES.**

2 (a) STUDY REQUIRED.—The Secretary of Defense
3 shall assess the manner in which personnel services are
4 provided for civilian personnel in the Department of De-
5 fense and determine whether—

6 (1) administration of such services should con-
7 tinue to be centralized in individual military services
8 and Defense Agencies or whether such services
9 should be centralized within designated geographical
10 areas to provide services to all Department of De-
11 fense elements;

12 (2) offices that perform such services should be
13 established to perform specific functions rather than
14 cover an established geographical area;

15 (3) processes and functions of civilian personnel
16 offices should be reengineered to provide greater ef-
17 ficiency and better service to management and em-
18 ployees of the Department of Defense; and

19 (4) efficiencies could be gained by public-private
20 competition of the delivery of any of the personnel
21 services for civilian personnel of the Department of
22 Defense.

23 (b) REPORT.—Not later than January 1, 2002, the
24 Secretary of Defense shall submit a report on the study,
25 including recommendations, to the Committees on Armed
26 Services of the Senate and the House of Representatives.

1 The report shall include the Secretary's assessment of the
2 items described in subsection (a), and, if appropriate, a
3 proposal for a demonstration program to test the concepts
4 developed under the study. The Secretary may also include
5 any recommendations for legislation or other actions that
6 the Secretary considers appropriate to increase the effec-
7 tiveness and efficiency of the delivery of personnel services
8 with respect to civilian personnel of the Department of De-
9 fense.

10 **Subtitle B—Demonstration and** 11 **Pilot Programs**

12 **SEC. 1111. PILOT PROGRAM FOR REENGINEERING THE** 13 **EQUAL EMPLOYMENT OPPORTUNITY COM-** 14 **PLAINT PROCESS.**

15 (a) PILOT PROGRAM.—(1) The Secretary of Defense
16 shall carry out a pilot program to improve processes for
17 the resolution of equal employment opportunity com-
18 plaints by civilian employees of the Department of De-
19 fense. Complaints processed under the pilot program shall
20 be subject to the procedural requirements established for
21 the pilot program and shall not be subject to the proce-
22 dural requirements of part 1614 of title 29 of the Code
23 of Federal Regulations or other regulations, directives, or
24 regulatory restrictions prescribed by the Equal Employ-
25 ment Opportunity Commission.

1 (2) The pilot program shall include procedures to re-
2 duce processing time and eliminate redundancy with re-
3 spect to processes for the resolution of equal employment
4 opportunity complaints, reinforce local management and
5 chain-of-command accountability, and provide the parties
6 involved with early opportunity for resolution.

7 (3) The Secretary may carry out the pilot program
8 for a period of three years, beginning on January 1, 2001.

9 (4)(A) Participation in the pilot program shall be vol-
10 untary on the part of the complainant. Complainants who
11 participate in the pilot program shall retain the right to
12 appeal a final agency decision to the Equal Employment
13 Opportunity Commission and to file suit in district court.
14 The Equal Employment Opportunity Commission shall
15 not reverse a final agency decision on the grounds that
16 the agency did not comply with the regulatory require-
17 ments promulgated by the Commission.

18 (B) Subparagraph (A) shall apply to all cases—

19 (i) pending as of January 1, 2001, before the
20 Equal Employment Opportunity Commission involv-
21 ing a civilian employee who filed a complaint under
22 the pilot program of the Department of the Navy to
23 improve processes for the resolution of equal employ-
24 ment opportunity complaints; and

1 (ii) hereinafter filed with the Commission under
2 the pilot program established by this section.

3 (5) The pilot program shall be carried out in at least
4 one military department and two Defense Agencies.

5 (b) REPORT.—Not later than 90 days following the
6 end of the first and last full or partial fiscal years during
7 which the pilot program is implemented, the Comptroller
8 General shall submit to Congress a report on the pilot pro-
9 gram. Such report shall contain the following:

10 (1) A description of the processes tested by the
11 pilot program.

12 (2) The results of such testing.

13 (3) Recommendations for changes to the proc-
14 esses for the resolution of equal employment oppor-
15 tunity complaints as a result of such pilot program.

16 (4) A comparison of the processes used, and re-
17 sults obtained, under the pilot program to tradi-
18 tional and alternative dispute resolution processes
19 used in the government or private industry.

20 **SEC. 1112. WORK SAFETY DEMONSTRATION PROGRAM.**

21 (a) ESTABLISHMENT.—The Secretary of Defense
22 shall carry out a defense employees work safety dem-
23 onstration program.

24 (b) PRIVATE SECTOR WORK SAFETY MODELS.—
25 Under the demonstration program, the Secretary shall—

1 (1) adopt for use in the workplace of civilian
2 employees of the Department of Defense such work
3 safety models used by employers in the private sec-
4 tor that the Secretary considers as being representa-
5 tive of the best work safety practices in use by pri-
6 vate sector employers; and

7 (2) determine whether the use of those prac-
8 tices in the Department of Defense improves the
9 work safety record of Department of Defense em-
10 ployees.

11 (c) SITES.—(1) The Secretary shall carry out the
12 demonstration program—

13 (A) at not fewer than two installations of each
14 of the Armed Forces (other than the Coast Guard),
15 for employees of the military department concerned;
16 and

17 (B) in at least two Defense Agencies (as de-
18 fined in section 101(a)(11) of title 10, United States
19 Code).

20 (2) The Secretary shall select the installations and
21 Defense Agencies from among the installations and De-
22 fense Agencies listed in the Federal Worker 2000 Presi-
23 dential Initiative.

24 (d) PERIOD FOR PROGRAM.—The demonstration pro-
25 gram shall begin not later than 180 days after the date

1 of the enactment of this Act and shall terminate on Sep-
2 tember 30, 2002.

3 (e) REPORTS.—(1) The Secretary of Defense shall
4 submit an interim report on the demonstration program
5 to the Committees on Armed Services of the Senate and
6 the House of Representatives not later than December 1,
7 2001. The interim report shall contain, at a minimum, for
8 each site of the demonstration program the following:

9 (A) A baseline assessment of the lost workday
10 injury rate.

11 (B) A comparison of the lost workday injury
12 rate for fiscal year 2000 with the lost workday in-
13 jury rate for fiscal year 1999.

14 (C) The direct and indirect costs associated
15 with all lost workday injuries.

16 (2) The Secretary of Defense shall submit a final re-
17 port on the demonstration program to the Committees on
18 Armed Services of the Senate and the House of Represent-
19 atives not later than December 1, 2002. The final report
20 shall contain, at a minimum, for each site of the dem-
21 onstration program the following:

22 (A) The Secretary's determination on the issue
23 described in subsection (b)(2).

1 (B) A comparison of the lost workday injury
2 rate under the program with the baseline assessment
3 of the lost workday injury rate.

4 (C) The lost workday injury rate for fiscal year
5 2002.

6 (D) A comparison of the direct and indirect
7 costs associated with all lost workday injuries for fis-
8 cal year 2002 with the direct and indirect costs asso-
9 ciated with all lost workday injuries for fiscal year
10 2001.

11 (f) FUNDING.—Of the amount authorized to be ap-
12 propriated under section 301(5), \$5,000,000 shall be
13 available for the demonstration program under this sec-
14 tion.

15 **SEC. 1113. EXTENSION, EXPANSION, AND REVISION OF AU-**
16 **THORITY FOR EXPERIMENTAL PERSONNEL**
17 **PROGRAM FOR SCIENTIFIC AND TECHNICAL**
18 **PERSONNEL.**

19 (a) EXTENSION OF PROGRAM.—Section 1101 of the
20 Strom Thurmond National Defense Authorization Act for
21 Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2139;
22 5 U.S.C. 3104 note) is amended—

23 (1) in subsection (a), by striking “the 5-year
24 period beginning on the date of the enactment of

1 this Act” and inserting “the program period speci-
2 fied in subsection (e)(1)”;

3 (2) in subsection (e), by striking paragraph (1)
4 and inserting the following:

5 “(1) The period for carrying out the program authorized
6 under this section begins on October 17, 1998, and ends
7 on October 16, 2005.”; and

8 (3) in subsection (f), by striking “on the day
9 before the termination of the program” and insert-
10 ing “on the last day of the program period specified
11 in subsection (e)(1)”.

12 (b) EXPANSION OF SCOPE.—Subsection (a) of such
13 section, as amended by subsection (a)(1) of this section,
14 is further amended by inserting before the period at the
15 end the following: “and research and development projects
16 administered by laboratories designated for the program
17 by the Secretary from among the laboratories of each of
18 the military departments”.

19 (c) LIMITATION ON NUMBER OF APPOINTMENTS.—
20 Subsection (b)(1) of such section is amended to read as
21 follows:

22 “(1) without regard to any provision of title 5,
23 United States Code, governing the appointment of
24 employees in the civil service, appoint scientists and
25 engineers from outside the civil service and uni-

1 formed services (as such terms are defined in section
2 2101 of such title) to—

3 “(A) not more than 40 scientific and engi-
4 neering positions in the Defense Advanced Re-
5 search Projects Agency;

6 “(B) not more than 40 scientific and engi-
7 neering positions in the designated laboratories
8 of each of the military services; and

9 “(C) not more than a total of 10 scientific
10 and engineering positions in the National Im-
11 agery and Mapping Agency and the National
12 Security Agency;”.

13 (d) RATES OF PAY FOR APPOINTEES.—Subsection
14 (b)(2) of such section is amended by inserting after
15 “United States Code,” the following: “as increased by lo-
16 cality-based comparability payments under section 5304
17 of such title,”.

18 (e) COMMENSURATE EXTENSION OF REQUIREMENT
19 FOR ANNUAL REPORT.—Subsection (g) of such section is
20 amended by striking “2004” and inserting “2006”.

21 (f) AMENDMENT OF SECTION HEADING.—The head-
22 ing for such section is amended to read as follows:

1 **“SEC. 1101. EXPERIMENTAL PERSONNEL PROGRAM FOR**
2 **SCIENTIFIC AND TECHNICAL PERSONNEL.”.**

3 **SEC. 1114. CLARIFICATION OF PERSONNEL MANAGEMENT**
4 **AUTHORITY UNDER PERSONNEL DEM-**
5 **ONSTRATION PROJECT.**

6 (a) ELIMINATION OF REQUIREMENT FOR OPM RE-
7 VIEW AND APPROVAL.—Section 342 of the National De-
8 fense Authorization Act for Fiscal Year 1995 (Public Law
9 103–337; 108 Stat. 2721) is amended—

10 (1) in subsection (b)(1), by striking “, with the
11 approval of the Director of the Office of Personnel
12 Management,”; and

13 (2) in subsection (b)(3)—

14 (A) by striking “and” at the end of sub-
15 paragraph (A);

16 (B) by striking “section 4703.” and insert-
17 ing “section 4703; and” at the end of subpara-
18 graph (B); and

19 (C) by inserting at the end the following
20 new subparagraph (C):

21 “(C) the Secretary shall exercise the au-
22 thorities granted to the Office of Personnel
23 Management under such section 4703.”.

24 (b) INCREASE IN LEVEL OF AUTHORIZED PAY.—Sec-
25 tion 342(b) of such Act is further amended by adding at
26 the end the following new paragraph:

1 “(5) The limitations in section 5373 of title 5, United
2 States Code, do not apply to the authority of the Secretary
3 under this section to prescribe salary schedules and other
4 related benefits.”.

5 **Subtitle C—Educational Assistance**

6 **SEC. 1121. RESTRUCTURING THE RESTRICTION ON DEGREE** 7 **TRAINING.**

8 Section 4107 of title 5, United States Code, is
9 amended—

10 (1) in subsection (a), by striking “subsection
11 (b)” and inserting “subsections (b) and (c)”;

12 (2) in subsection (b)(1), by striking “subsection
13 (a)” and inserting “subsection (a) or (c)”; and

14 (3) by adding at the end the following new sub-
15 section:

16 “(c) With respect to an employee of the Department
17 of Defense—

18 “(1) this chapter does not authorize, except as
19 provided in subsection (b) of this section, the selec-
20 tion and assignment of the employee for training, or
21 the payment or reimbursement of the costs of train-
22 ing, for—

23 “(A) the purpose of providing an oppor-
24 tunity to the employee to obtain an academic
25 degree in order to qualify for appointment to a

1 particular position for which the academic de-
2 gree is a basic requirement; or

3 “(B) the sole purpose of providing an op-
4 portunity to the employee to obtain one or more
5 academic degrees, unless such opportunity is
6 part of a planned, systematic, and coordinated
7 program of professional development endorsed
8 by the Department of Defense; and

9 “(2) any course of post-secondary education de-
10 livered through classroom, electronic, or other means
11 shall be administered or conducted by an institution
12 recognized under standards implemented by a na-
13 tional or regional accrediting body, except in a case
14 in which such standards do not exist or the use of
15 such standards would not be appropriate.”.

16 **SEC. 1122. STUDENT LOAN REPAYMENT PROGRAMS.**

17 (a) COVERED STUDENT LOANS.—Section
18 5379(a)(1)(B) of title 5, United States Code, is
19 amended—

20 (1) in clause (i), by inserting “(20 U.S.C. 1071
21 et seq.)” before the semicolon;

22 (2) in clause (ii), by striking “part E of title IV
23 of the Higher Education Act of 1965” and inserting
24 “part D or E of title IV of the Higher Education

1 Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et
2 seq.)”; and

3 (3) in clause (iii), by striking “part C of title
4 VII of Public Health Service Act or under part B
5 of title VIII of such Act” and inserting “part A of
6 title VII of the Public Health Service Act (42 U.S.C.
7 292 et seq.) or under part E of title VIII of such
8 Act (42 U.S.C. 297a et seq.)”.

9 (b) PERSONNEL COVERED.—(1) Section 5379(a)(2)
10 of title 5, United States Code, is amended to read as fol-
11 lows:

12 “(2) An employee shall be ineligible for benefits under
13 this section if the employee occupies a position that is ex-
14 cepted from the competitive service because of its con-
15 fidential, policy-determining, policy-making, or policy-ad-
16 vocating character.”.

17 (2) Section 5379(b)(1) of title 5, United States Code,
18 is amended by striking “professional, technical, or admin-
19 istrative”.

20 (c) REGULATIONS.—(1) Not later than 60 days after
21 the date of enactment of this Act, the Director of the Of-
22 fice of Personnel Management shall issue proposed regula-
23 tions under section 5379(g) of title 5, United States Code.
24 The Director shall provide for a period of not less than
25 60 days for public comment on the regulations.

1 (2) Not later than 240 days after the date of enact-
2 ment of this Act, the Director shall issue final regulations.

3 (d) ANNUAL REPORTS.—Section 5379 of title 5,
4 United States Code, is amended by adding at the end the
5 following:

6 “(h)(1) Each head of an agency shall maintain, and
7 annually submit to the Director of the Office of Personnel
8 Management, information with respect to the agency on—

9 “(A) the number of Federal employees selected
10 to receive benefits under this section;

11 “(B) the job classifications for the recipients;
12 and

13 “(C) the cost to the Federal Government of
14 providing the benefits.

15 “(2) The Director of the Office of Personnel Manage-
16 ment shall prepare, and annually submit to Congress, a
17 report containing the information submitted under para-
18 graph (1), and information identifying the agencies that
19 have provided benefits under this section.”.

1 **SEC. 1123. EXTENSION OF AUTHORITY FOR TUITION REIM-**
 2 **BURSEMENT AND TRAINING FOR CIVILIAN**
 3 **EMPLOYEES IN THE DEFENSE ACQUISITION**
 4 **WORKFORCE.**

5 Section 1745(a)(2) of title 10, United States Code,
 6 is amended by striking “September 30, 2001” and insert-
 7 ing “September 30, 2010”.

8 **Subtitle D—Other Benefits**

9 **SEC. 1131. ADDITIONAL SPECIAL PAY FOR FOREIGN LAN-**
 10 **GUAGE PROFICIENCY BENEFICIAL FOR**
 11 **UNITED STATES NATIONAL SECURITY INTER-**
 12 **ESTS.**

13 (a) IN GENERAL.—Chapter 81 of title 10, United
 14 States Code, is amended by inserting after section 1596
 15 the following new section:

16 **“§ 1596a. Foreign language proficiency: special pay**
 17 **for proficiency beneficial for other na-**
 18 **tional security interests**

19 “(a) AUTHORITY.—The Secretary of Defense may
 20 pay special pay under this section to an employee of the
 21 Department of Defense who—

22 “(1) has been certified by the Secretary to be
 23 proficient in a foreign language identified by the
 24 Secretary as being a language in which proficiency
 25 by civilian personnel of the Department is necessary
 26 because of national security interests;

1 “(2) is assigned duties requiring proficiency in
2 that foreign language during a contingency oper-
3 ation supported by the armed forces; and

4 “(3) is not receiving special pay under section
5 1596 of this title.

6 “(b) RATE.—The rate of special pay for an employee
7 under this section shall be prescribed by the Secretary,
8 but may not exceed five percent of the employee’s rate of
9 basic pay.

10 “(c) RELATIONSHIP TO OTHER PAY AND ALLOW-
11 ANCES.—Special pay under this section is in addition to
12 any other pay or allowances to which the employee is enti-
13 tled.

14 “(d) REGULATIONS.—The Secretary of Defense shall
15 prescribe regulations to carry out this section.”.

16 (b) AMENDMENT TO DISTINGUISH OTHER FOREIGN
17 LANGUAGE PROFICIENCY SPECIAL PAY.—The heading for
18 section 1596 of title 10, United States Code, is amended
19 to read as follows:

20 “**§ 1596. Foreign language proficiency: special pay for**
21 **proficiency beneficial for intelligence in-**
22 **terests”.**

23 (c) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 81 of such title is amended

1 by striking the item relating to section 1596 and inserting
2 the following new items:

“1596. Foreign language proficiency: special pay for proficiency beneficial for intelligence interests.

“1596a. Foreign language proficiency: special pay for proficiency beneficial for other national security interests.”.

3 **SEC. 1132. APPROVAL AUTHORITY FOR CASH AWARDS IN**
4 **EXCESS OF \$10,000.**

5 Section 4502 of title 5, United States Code, is
6 amended by adding at the end the following:

7 “(f) The Secretary of Defense may grant a cash
8 award under subsection (b) of this section without regard
9 to the requirements for certification and approval provided
10 in that subsection.”.

11 **SEC. 1133. LEAVE FOR CREWS OF CERTAIN VESSELS.**

12 Section 6305(c)(2) of title 5, United States Code, is
13 amended to read as follows:

14 “(2) may not be made the basis for a lump-sum
15 payment, except that civil service mariners of the
16 Military Sealift Command on temporary promotion
17 aboard ship may be paid the difference between their
18 temporary and permanent rates of pay for leave ac-
19 crued under this section and section 6303 and not
20 otherwise used during the temporary promotion
21 upon the expiration or termination of the temporary
22 promotion; and”.

1 **SEC. 1134. LIFE INSURANCE FOR EMERGENCY ESSENTIAL**
2 **DEPARTMENT OF DEFENSE EMPLOYEES.**

3 (a) IN GENERAL.—Section 8702 of title 5, United
4 States Code, is amended by adding at the end the fol-
5 lowing new subsection:

6 “(c) Notwithstanding a notice previously given under
7 subsection (b), an employee of the Department of Defense
8 who is designated as an emergency essential employee
9 under section 1580 of title 10 shall be insured if the em-
10 ployee, within 60 days after the date of the designation,
11 elects to be insured under a policy of insurance under this
12 chapter. An election under the preceding sentence shall be
13 effective when provided to the Office in writing, in the
14 form prescribed by the Office, within such 60-day pe-
15 riod.”.

16 (b) APPLICABILITY.—For purposes of section
17 8702(c) of title 5, United States Code (as added by sub-
18 section (a)), an employee of the Department of Defense
19 who is designated as an emergency essential employee
20 under section 1580 of title 10, United States Code, before
21 the date of the enactment of this Act shall be deemed to
22 be so designated on the date of the enactment of this Act.

1 **Subtitle E—Intelligence Civilian**
2 **Personnel**

3 **SEC. 1141. EXPANSION OF DEFENSE CIVILIAN INTEL-**
4 **LIGENCE PERSONNEL SYSTEM POSITIONS.**

5 (a) AUTHORITY FOR SENIOR DOD INTELLIGENCE
6 POSITIONS THROUGHOUT DEPARTMENT OF DEFENSE.—
7 Section 1601(a)(1) of title 10, United States Code, is
8 amended—

9 (1) by striking “in the intelligence components
10 of the Department of Defense and the military de-
11 partments” and inserting “in the Department of De-
12 fense”; and

13 (2) by striking “of those components and de-
14 partments” and inserting “of the Department”.

15 (b) CONFORMING AMENDMENT FOR PERSONS ELIGI-
16 BLE FOR POSTEMPLOYMENT ASSISTANCE.—Section 1611
17 of such title is amended—

18 (1) in subsection (a)(1), by striking “an intel-
19 ligence component of the Department of Defense”
20 and inserting “a defense intelligence position”;

21 (2) in subsection (b)—

22 (A) by striking “sensitive position in an in-
23 telligence component of the Department of De-
24 fense” in the matter preceding paragraph (1)

1 and inserting “sensitive defense intelligence po-
2 sition”; and

3 (B) by striking “with the intelligence com-
4 ponent” in paragraphs (1) and (2) and insert-
5 ing “in a defense intelligence position”;

6 (3) in subsection (d), by striking “an intel-
7 ligence component of the Department of Defense”
8 and inserting “in a defense intelligence position”;
9 and
10 (4) by striking subsection (f).

11 (c) CONFORMING AMENDMENT FOR DEFINITION OF
12 DEFENSE INTELLIGENCE POSITION.—Section 1614(1) of
13 such title is amended by striking “of an intelligence com-
14 ponent of the Department of Defense or of a military de-
15 partment” and inserting “of the Department of Defense”.

16 **SEC. 1142. INCREASE IN NUMBER OF POSITIONS AUTHOR-**
17 **IZED FOR THE DEFENSE INTELLIGENCE SEN-**
18 **IOR EXECUTIVE SERVICE.**

19 Section 1606(a) of title 10, United States Code, is
20 amended by striking “492” and inserting “517”.

1 **Subtitle F—Voluntary Separation**
2 **Incentive Pay and Early Retirement**
3 **Authority**

4 **SEC. 1151. EXTENSION, REVISION, AND EXPANSION OF AU-**
5 **THORITIES FOR USE OF VOLUNTARY SEPARA-**
6 **TION INCENTIVE PAY AND VOLUNTARY**
7 **EARLY RETIREMENT.**

8 (a) REVISION AND ADDITION OF PURPOSES FOR DE-
9 PARTMENT OF DEFENSE VSIP.—Subsection (b) of section
10 5597 of title 5, United States Code, is amended by insert-
11 ing after “transfer of function,” the following: “workforce
12 restructuring (to meet mission needs, achieve one or more
13 strength reductions, correct skill imbalances, or reduce the
14 number of high-grade, managerial, or supervisory posi-
15 tions),”.

16 (b) ELIGIBILITY.—Subsection (c) of such section is
17 amended—

18 (1) in paragraph (2), by inserting “objective
19 and nonpersonal” after “similar”; and

20 (2) by adding at the end the following:

21 “A determination of which employees are within the scope
22 of an offer of separation pay shall be made only on the
23 basis of consistent and well-documented application of the
24 relevant criteria.”.

1 (c) INSTALLMENT PAYMENTS.—Subsection (d) of
2 such section is amended—

3 (1) by striking paragraph (1) and inserting the
4 following:

5 “(1) shall be paid in a lump-sum or in install-
6 ments;”;

7 (2) by striking “and” at the end of paragraph
8 (3);

9 (3) by striking the period at the end of para-
10 graph (4) and inserting “; and”; and

11 (4) by adding at the end the following:

12 “(5) if paid in installments, shall cease to be
13 paid upon the recipient’s acceptance of employment
14 by the Federal Government, or commencement of
15 work under a personal services contract, as de-
16 scribed in subsection (g)(1).”.

17 (d) APPLICABILITY OF REPAYMENT REQUIREMENT
18 TO REEMPLOYMENT UNDER PERSONAL SERVICES CON-
19 TRACTS.—Subsection (g)(1) of such section is amended by
20 inserting after “employment with the Government of the
21 United States” the following: “, or who commences work
22 for an agency of the United States through a personal
23 services contract with the United States,”.

1 **SEC. 1152. DEPARTMENT OF DEFENSE EMPLOYEE VOL-**
2 **UNTARY EARLY RETIREMENT AUTHORITY.**

3 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
4 8336 of title 5, United States Code, is amended—

5 (1) in subsection (d)(2), by inserting “except in
6 the case of an employee who is separated from the
7 service under a program carried out under sub-
8 section (o),” after “(2)”; and

9 (2) by adding at the end the following:

10 “(o)(1) The Secretary of Defense may, during fiscal
11 years 2002 and 2003, carry out a program under which
12 an employee of the Department of Defense may be sepa-
13 rated from the service entitled to an immediate annuity
14 under this subchapter if the employee—

15 “(A) has—

16 “(i) completed 25 years of service; or

17 “(ii) become 50 years of age and completed
18 20 years of service; and

19 “(B) is eligible for the annuity under paragraph
20 (2) or (3).

21 “(2)(A) For the purposes of paragraph (1), an em-
22 ployee referred to in that paragraph is eligible for an im-
23 mediate annuity under this paragraph if the employee—

24 “(i) is separated from the service involuntarily
25 other than for cause; and

1 “(ii) has not declined a reasonable offer of an-
2 other position in the Department of Defense for
3 which the employee is qualified, which is not lower
4 than 2 grades (or pay levels) below the employee’s
5 grade (or pay level), and which is within the employ-
6 ee’s commuting area.

7 “(B) For the purposes of paragraph (2)(A)(i), a sepa-
8 ration for failure to accept a directed reassignment to a
9 position outside the commuting area of the employee con-
10 cerned or to accompany a position outside of such area
11 pursuant to a transfer of function may not be considered
12 to be a removal for cause.

13 “(3) For the purposes of paragraph (1), an employee
14 referred to in that paragraph is eligible for an immediate
15 annuity under this paragraph if the employee satisfies all
16 of the following conditions:

17 “(A) The employee is separated from the serv-
18 ice voluntarily during a period in which the organi-
19 zation within the Department of Defense in which
20 the employee is serving is undergoing a major orga-
21 nizational adjustment.

22 “(B) The employee has been employed continu-
23 ously by the Department of Defense for more than
24 30 days before the date on which the head of the

1 employee's organization requests the determinations
2 required under subparagraph (A).

3 “(C) The employee is serving under an appoint-
4 ment that is not limited by time.

5 “(D) The employee is not in receipt of a deci-
6 sion notice of involuntary separation for misconduct
7 or unacceptable performance.

8 “(E) The employee is within the scope of an
9 offer of voluntary early retirement, as defined on the
10 basis of one or more of the following objective cri-
11 teria:

12 “(i) One or more organizational units.

13 “(ii) One or more occupational groups, se-
14 ries, or levels.

15 “(iii) One or more geographical locations.

16 “(iv) Any other similar objective and non-
17 personal criteria that the Office of Personnel
18 Management determines appropriate.

19 “(4) Under regulations prescribed by the Office of
20 Personnel Management, the determinations of whether an
21 employee meets—

22 “(A) the requirements of subparagraph (A) of
23 paragraph (3) shall be made by the Office, upon the
24 request of the Secretary of Defense; and

1 “(B) the requirements of subparagraph (E) of
2 such paragraph shall be made by the Secretary of
3 Defense.

4 “(5) A determination of which employees are within
5 the scope of an offer of early retirement shall be made
6 only on the basis of consistent and well-documented appli-
7 cation of the relevant criteria.

8 “(6) In this subsection, the term ‘major organiza-
9 tional adjustment’ means any of the following:

10 “(A) A major reorganization.

11 “(B) A major reduction in force.

12 “(C) A major transfer of function.

13 “(D) A workforce restructuring—

14 “(i) to meet mission needs;

15 “(ii) to achieve one or more reductions in
16 strength;

17 “(iii) to correct skill imbalances; or

18 “(iv) to reduce the number of high-grade,
19 managerial, supervisory, or similar positions.”.

20 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

21 Section 8414 of such title is amended—

22 (1) in subsection (b)(1)(B), by inserting “except
23 in the case of an employee who is separated from
24 the service under a program carried out under sub-
25 section (d),” after “(B)”; and

1 (2) by adding at the end the following:

2 “(d)(1) The Secretary of Defense may, during fiscal
3 years 2002 and 2003, carry out a program under which
4 an employee of the Department of Defense may be sepa-
5 rated from the service entitled to an immediate annuity
6 under this subchapter if the employee—

7 “(A) has—

8 “(i) completed 25 years of service; or

9 “(ii) become 50 years of age and completed
10 20 years of service; and

11 “(B) is eligible for the annuity under paragraph
12 (2) or (3).

13 “(2)(A) For the purposes of paragraph (1), an em-
14 ployee referred to in that paragraph is eligible for an im-
15 mediate annuity under this paragraph if the employee—

16 “(i) is separated from the service involuntarily
17 other than for cause; and

18 “(ii) has not declined a reasonable offer of an-
19 other position in the Department of Defense for
20 which the employee is qualified, which is not lower
21 than 2 grades (or pay levels) below the employee’s
22 grade (or pay level), and which is within the employ-
23 ee’s commuting area.

24 “(B) For the purposes of paragraph (2)(A)(i), a sepa-
25 ration for failure to accept a directed reassignment to a

1 position outside the commuting area of the employee con-
2 cerned or to accompany a position outside of such area
3 pursuant to a transfer of function may not be considered
4 to be a removal for cause.

5 “(3) For the purposes of paragraph (1), an employee
6 referred to in that paragraph is eligible for an immediate
7 annuity under this paragraph if the employee satisfies all
8 of the following conditions:

9 “(A) The employee is separated from the serv-
10 ice voluntarily during a period in which the organi-
11 zation within the Department of Defense in which
12 the employee is serving is undergoing a major orga-
13 nizational adjustment.

14 “(B) The employee has been employed continu-
15 ously by the Department of Defense for more than
16 30 days before the date on which the head of the
17 employee’s organization requests the determinations
18 required under subparagraph (A).

19 “(C) The employee is serving under an appoint-
20 ment that is not limited by time.

21 “(D) The employee is not in receipt of a deci-
22 sion notice of involuntary separation for misconduct
23 or unacceptable performance.

24 “(E) The employee is within the scope of an
25 offer of voluntary early retirement, as defined on the

1 basis of one or more of the following objective cri-
2 teria:

3 “(i) One or more organizational units.

4 “(ii) One or more occupational groups, se-
5 ries, or levels.

6 “(iii) One or more geographical locations.

7 “(iv) Any other similar objective and non-
8 personal criteria that the Office of Personnel
9 Management determines appropriate.

10 “(4) Under regulations prescribed by the Office of
11 Personnel Management, the determinations of whether an
12 employee meets—

13 “(A) the requirements of subparagraph (A) of
14 paragraph (3) shall be made by the Office upon the
15 request of the Secretary of Defense; and

16 “(B) the requirements of subparagraph (E) of
17 such paragraph shall be made by the Secretary of
18 Defense.

19 “(5) A determination of which employees are within
20 the scope of an offer of early retirement shall be made
21 only on the basis of consistent and well-documented appli-
22 cation of the relevant criteria.

23 “(6) In this subsection, the term ‘major organiza-
24 tional adjustment’ means any of the following:

25 “(A) A major reorganization.

1 “(B) A major reduction in force.

2 “(C) A major transfer of function.

3 “(D) A workforce restructuring—

4 “(i) to meet mission needs;

5 “(ii) to achieve one or more reductions in
6 strength;

7 “(iii) to correct skill imbalances; or

8 “(iv) to reduce the number of high-grade,
9 managerial, supervisory, or similar positions.”.

10 (c) CONFORMING AMENDMENTS.—(1) Section
11 8339(h) of such title is amended by striking out “or (j)”
12 in the first sentence and inserting “(j), or (o)”.

13 (2) Section 8464(a)(1)(A)(i) of such title is amended
14 by striking out “or (b)(1)(B)” and “, (b)(1)(B), or (d)”.

15 **SEC. 1153. LIMITATIONS.**

16 (a) FISCAL YEAR 2001 LIMITATIONS ON VSIP.—
17 Section 5597 of title 5, United States Code, as amended
18 by section 1151, is further amended by adding at the end
19 the following new subsection:

20 “(i)(1) Notwithstanding any other provision of this
21 section, during fiscal year 2001, separation pay may be
22 offered under the program carried out under this section
23 with respect to workforce restructuring only to persons
24 who, upon separation, are entitled to an immediate annu-
25 ity under section 8336, 8412, or 8414 of this title and

1 are otherwise eligible for the separation pay under this
2 section.

3 “(2) In the administration of the program under this
4 section during fiscal year 2001, the Secretary shall ensure
5 that not more than 1,000 employees are, as a result of
6 workforce restructuring, separated from service in that fis-
7 cal year entitled to separation pay under this section.

8 “(3) Separation pay may not be offered as a result
9 of workforce restructuring under the program carried out
10 under this section after fiscal year 2003.”.

11 (b) LIMITATIONS FOR FISCAL YEARS 2002 AND 2003
12 ON VSIP AND VERA.—(1) Subject to paragraph (2), the
13 Secretary of Defense shall ensure that, in each of fiscal
14 years 2002 and 2003, not more than 4,000 employees of
15 the Department of Defense are, as a result of workforce
16 restructuring, separated from service entitled to one or
17 more of the following benefits:

18 (A) Voluntary separation incentive pay under
19 section 5597 of title 5, United States Code.

20 (B) Immediate annuity under section 8336(o)
21 or 8414(d) of such title.

22 (2) Notwithstanding sections 5597(e), 8336(o), and
23 8414(d) of title 5, United States Code, the Secretary of
24 Defense may carry out the programs authorized in those
25 sections during fiscal years 2002 and 2003 with respect

- 1 to workforce restructuring only to the extent provided in
 2 a law enacted by the One Hundred Seventh Congress.

3 **TITLE XII—MATTERS RELATING**
 4 **TO OTHER NATIONS**

Subtitle A—Matters Related to Arms Control

- Sec. 1201. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
 Sec. 1202. Support of consultations on Arab and Israeli arms control and regional security issues.
 Sec. 1203. Furnishing of nuclear test monitoring equipment to foreign governments.
 Sec. 1204. Additional matters for annual report on transfers of militarily sensitive technology to countries and entities of concern.

Subtitle B—Matters Relating to the Balkans

- Sec. 1211. Annual report assessing effect of continued operations in the Balkans region on readiness to execute the national military strategy.
 Sec. 1212. Situation in the Balkans.
 Sec. 1213. Semiannual report on Kosovo peacekeeping.

Subtitle C—North Atlantic Treaty Organization and United States Forces in Europe

- Sec. 1221. NATO fair burdensharing.
 Sec. 1222. Repeal of restriction preventing cooperative airlift support through acquisition and cross-servicing agreements.
 Sec. 1223. GAO study on the benefits and costs of United States military engagement in Europe.

Subtitle D—Other Matters

- Sec. 1231. Joint data exchange center with Russian Federation on early warning systems and notification of ballistic missile launches.
 Sec. 1232. Report on sharing and exchange of ballistic missile launch early warning data.
 Sec. 1233. Annual report of Communist Chinese military companies operating in the United States.
 Sec. 1234. Adjustment of composite theoretical performance levels of high performance computers.
 Sec. 1235. Increased authority to provide health care services as humanitarian and civic assistance.
 Sec. 1236. Sense of Congress regarding the use of children as soldiers.
 Sec. 1237. Sense of Congress regarding undersea rescue and recovery.
 Sec. 1238. United States-China Security Review Commission.

**Subtitle A—Matters Related to
Arms Control**

SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2001—The total amount of the assistance for fiscal year 2001 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed \$15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking “2000” and inserting “2001”.

SEC. 1202. SUPPORT OF CONSULTATIONS ON ARAB AND ISRAELI ARMS CONTROL AND REGIONAL SECURITY ISSUES.

Of the amount authorized to be appropriated by section 301(5), up to \$1,000,000 is available for the support of programs to promote formal and informal region-wide consultations among Arab, Israeli, and United States officials and experts on arms control and security issues concerning the Middle East region.

1 **SEC. 1203. FURNISHING OF NUCLEAR TEST MONITORING**
2 **EQUIPMENT TO FOREIGN GOVERNMENTS.**

3 (a) IN GENERAL.—Chapter 152 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 2555. Nuclear test monitoring equipment: fur-**
7 **nishing to foreign governments**

8 “(a) AUTHORITY TO CONVEY OR PROVIDE NUCLEAR
9 TEST MONITORING EQUIPMENT.—Subject to subsection
10 (b), the Secretary of Defense may—

11 “(1) convey or otherwise provide to a foreign
12 government (A) equipment for the monitoring of nu-
13 clear test explosions, and (B) associated equipment;
14 and

15 “(2) as part of any such conveyance or provi-
16 sion of equipment, install such equipment on foreign
17 territory or in international waters.

18 “(b) AGREEMENT REQUIRED.—Nuclear test explo-
19 sion monitoring equipment may be conveyed or otherwise
20 provided under subsection (a) only pursuant to the terms
21 of an agreement between the United States and the for-
22 eign government receiving the equipment in which the re-
23 cipient foreign government agrees—

24 “(1) to provide the United States with timely
25 access to the data produced, collected, or generated
26 by the equipment;

1 “(2) to permit the Secretary of Defense to take
2 such measures as the Secretary considers necessary
3 to inspect, test, maintain, repair, or replace that
4 equipment, including access for purposes of such
5 measures; and

6 “(3) to return such equipment to the United
7 States (or allow the United States to recover such
8 equipment) if either party determines that the agree-
9 ment no longer serves its interests.

10 “(c) REPORT.—Promptly after entering into any
11 agreement under subsection (b), the Secretary of Defense
12 shall submit to Congress a report on the agreement. The
13 report shall identify the country with which the agreement
14 was made, the anticipated costs to the United States to
15 be incurred under the agreement, and the national interest
16 of the United States that is furthered by the agreement.

17 “(d) LIMITATION ON DELEGATION.—The Secretary
18 of Defense may delegate the authority of the Secretary
19 to carry out this section only to the Secretary of the Air
20 Force. Such a delegation may be redelegated.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by adding
23 at the end the following new item:

“2555. Nuclear test monitoring equipment: furnishing to foreign governments.”.

1 **SEC. 1204. ADDITIONAL MATTERS FOR ANNUAL REPORT ON**
2 **TRANSFERS OF MILITARILY SENSITIVE TECH-**
3 **NOLOGY TO COUNTRIES AND ENTITIES OF**
4 **CONCERN.**

5 Section 1402(b) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2000 (Public Law 106–65; 113
7 Stat. 798) is amended by adding at the end the following
8 new paragraph:

9 “(4) The status of the implementation or other
10 disposition of recommendations included in reports
11 of audits by Inspectors General that have been set
12 forth in a previous annual report under this section
13 pursuant to paragraph (3).”.

14 **Subtitle B—Matters Relating to the**
15 **Balkans**

16 **SEC. 1211. ANNUAL REPORT ASSESSING EFFECT OF CON-**
17 **TINUED OPERATIONS IN THE BALKANS RE-**
18 **GION ON READINESS TO EXECUTE THE NA-**
19 **TIONAL MILITARY STRATEGY.**

20 Section 1035 of the National Defense Authorization
21 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
22 753) is amended—

23 (1) in subsection (a), by striking “Not later
24 than 180 days after the date of the enactment of
25 this Act,” and inserting “Not later than April 1
26 each year (but subject to subsection (e)),”;

1 (2) in subsection (b), by striking “The report”
2 in the matter preceding paragraph (1) and inserting
3 “Each report”;

4 (3) in subsection (d), by striking “the report”
5 and inserting “a report”; and

6 (4) by adding at the end the following new sub-
7 section:

8 “(e) TERMINATION WHEN UNITED STATES MILI-
9 TARY OPERATIONS END.—(1) No report is required under
10 this section after United States military operations in the
11 Balkans region have ended.

12 “(2) After the requirement for an annual report
13 under this section is terminated by operation of paragraph
14 (1), but not later than the latest date on which the next
15 annual report under this section would, except for para-
16 graph (1), otherwise be due, the Secretary of Defense shall
17 transmit to Congress a notification of the termination of
18 the reporting requirement.”.

19 **SEC. 1212. SITUATION IN THE BALKANS.**

20 (a) ESTABLISHMENT OF NATO BENCHMARKS FOR
21 WITHDRAWAL OF FORCES FROM KOSOVO.—The Presi-
22 dent shall develop, not later than May 31, 2001, militarily
23 significant benchmarks for conditions that would achieve
24 a sustainable peace in Kosovo and ultimately allow for the
25 withdrawal of the United States military presence in

1 Kosovo. Congress urges the President to seek concurrence
2 among member nations of the North Atlantic Treaty Or-
3 ganization in the development of those benchmarks.

4 (b) COMPREHENSIVE POLITICAL-MILITARY STRAT-
5 EGY.—(1) The President—

6 (A) shall develop a comprehensive political-mili-
7 tary strategy for addressing the political, economic,
8 humanitarian, and military issues in the Balkans;
9 and

10 (B) shall establish near-term, mid-term, and
11 long-term objectives in the region.

12 (2) In developing that strategy and those objectives,
13 the President shall take into consideration—

14 (A) the benchmarks relating to Kosovo devel-
15 oped as described in subsection (a); and

16 (B) the benchmarks relating to Bosnia that
17 were detailed in the report accompanying the certifi-
18 cation by the President to Congress on March 3,
19 1998 (printed as House Document 105–223), with
20 respect to the continued presence of United States
21 Armed Forces, after June 30, 1998, in Bosnia and
22 Herzegovina, submitted to Congress pursuant to sec-
23 tion 7 of title I of the 1998 Supplemental Appro-
24 priations and Rescissions Act (Public Law 105–174;
25 112 Stat. 63).

1 (3) That strategy and those objectives shall be devel-
2 oped in consultation with appropriate regional and inter-
3 national entities.

4 (c) SEMIANNUAL REPORT ON BENCHMARKS.—Not
5 later than June 30, 2001, and every six months thereafter,
6 the President shall submit to Congress a report on the
7 progress made in achieving the benchmarks developed pur-
8 suant to subsection (a). The President may submit a sin-
9 gle report covering these benchmarks and the benchmarks
10 relating to Bosnia referred to in subsection (b)(2)(B).

11 (d) SEMIANNUAL REPORT ON COMPREHENSIVE
12 STRATEGY.—Not later than June 30, 2001, and every six
13 months thereafter so long as United States forces are in
14 the Balkans, the President shall submit to Congress a re-
15 port on the progress being made in developing and imple-
16 menting a comprehensive political-military strategy as de-
17 scribed in subsection (b)(1)(A).

18 **SEC. 1213. SEMIANNUAL REPORT ON KOSOVO PEACE-**
19 **KEEPING.**

20 (a) REQUIREMENT FOR PERIODIC REPORT.—The
21 President shall submit to the specified congressional com-
22 mittees a semiannual report on the contributions of Euro-
23 pean nations and organizations to the peacekeeping oper-
24 ations in Kosovo. The first such report shall be submitted
25 not later than December 1, 2000.

1 (b) CONTENT OF REPORT.—Each report shall con-
2 tain detailed information on the following:

3 (1) The commitments and pledges made by the
4 European Commission, the member nations of the
5 European Union, and the European member nations
6 of the North Atlantic Treaty Organization for—

7 (A) reconstruction assistance in Kosovo;

8 (B) humanitarian assistance in Kosovo;

9 (C) the Kosovo Consolidated Budget;

10 (D) police (including special police) for the
11 United Nations international police force for
12 Kosovo; and

13 (E) military personnel for peacekeeping op-
14 erations in Kosovo.

15 (2) The amount of the assistance that has been
16 provided in each category, and the number of police
17 and military personnel that have been deployed to
18 Kosovo, by each organization or nation referred to
19 in paragraph (1).

20 (3) The full range of commitments and respon-
21 sibilities that have been undertaken for Kosovo by
22 the United Nations, the European Union, and the
23 Organization for Security and Cooperation in Eu-
24 rope (OSCE), the progress made by those organiza-
25 tions in fulfilling those commitments and respon-

1 sibilities, an assessment of the tasks that remain to
2 be accomplished, and an anticipated schedule for
3 completing those tasks.

4 (d) SPECIFIED CONGRESSIONAL COMMITTEES.—In
5 the section, the term “specified congressional committees”
6 means—

7 (1) the Committee on Armed Services, the
8 Committee on Foreign Relations, and the Committee
9 on Appropriations of the Senate; and

10 (2) the Committee on Armed Services, the
11 Committee on International Relations, and the Com-
12 mittee on Appropriations of the House of Represent-
13 atives.

14 **Subtitle C—North Atlantic Treaty**
15 **Organization and United States**
16 **Forces in Europe**

17 **SEC. 1221. NATO FAIR BURDENSARING.**

18 (a) REPORT ON COSTS OF OPERATION ALLIED
19 FORCE.—The Secretary of Defense shall submit to the
20 Committee on Armed Services of the Senate and the Com-
21 mittee on Armed Services of the House of Representatives
22 a report on the costs to the United States of the 78-day
23 air campaign known as Operation Allied Force conducted
24 against the Federal Republic of Yugoslavia during the pe-

1 riod from March 24 through June 9, 1999. The report
2 shall include the following:

3 (1) The costs of ordnance expended, fuel con-
4 sumed, and personnel.

5 (2) The estimated cost of the reduced service
6 life of United States aircraft and other systems par-
7 ticipating in the operation.

8 (b) REPORT ON BURDENSARING OF FUTURE
9 NATO OPERATIONS.—Whenever the North Atlantic Trea-
10 ty Organization undertakes a military operation, the Sec-
11 retary of Defense shall submit to the Committee on Armed
12 Services of the Senate and the Committee on Armed Serv-
13 ices of the House of Representatives a report describing—

14 (1) the contributions to that operation made by
15 each of the member nations of the North Atlantic
16 Treaty Organization during that operation; and

17 (2) the contributions that each of the member
18 nations of the North Atlantic Treaty Organization
19 are making or have pledged to make during any fol-
20 low-on operation.

21 (c) TIME FOR SUBMISSION OF REPORT.—A report
22 under subsection (b) shall be submitted not later than 90
23 days after the completion of the military operation.

1 (d) APPLICABILITY.—Subsection (b) shall apply only
2 with respect to military operations begun after the date
3 of the enactment of this Act.

4 **SEC. 1222. REPEAL OF RESTRICTION PREVENTING COOP-**
5 **ERATIVE AIRLIFT SUPPORT THROUGH AC-**
6 **QUISITION AND CROSS-SERVICING AGREE-**
7 **MENTS.**

8 Section 2350c of title 10, United States Code, is
9 amended—

10 (1) by striking subsection (d); and

11 (2) by redesignating subsection (e) as sub-
12 section (d).

13 **SEC. 1223. GAO STUDY ON THE BENEFITS AND COSTS OF**
14 **UNITED STATES MILITARY ENGAGEMENT IN**
15 **EUROPE.**

16 (a) COMPTROLLER GENERAL STUDY.—The Comp-
17 troller General shall conduct a study assessing the benefits
18 and costs to the United States and United States national
19 security interests of the engagement of United States
20 forces in Europe and of United States military strategies
21 used to shape the international security environment in
22 Europe.

23 (b) MATTERS TO BE INCLUDED.—The study shall
24 include an assessment of the following matters:

1 (1) The benefits and costs to the United States
2 of having forces stationed in Europe and assigned to
3 areas of regional conflict such as Bosnia and
4 Kosovo.

5 (2) The benefits and costs associated with sta-
6 tioning United States forces in Europe and with as-
7 signing those forces to areas of regional conflict, in-
8 cluding an analysis of the benefits and costs of de-
9 ploying United States forces with the forces of Euro-
10 pean allies.

11 (3) The amount and type of the following kinds
12 of contributions to European security made by Euro-
13 pean allies in 1999 and 2000:

14 (A) Financial contributions.

15 (B) Contributions of military personnel
16 and units.

17 (C) Contributions of nonmilitary personnel,
18 such as medical personnel, police officers, judi-
19 cial officers, and other civic officials.

20 (D) Contributions, including contributions
21 in kind, for humanitarian and reconstruction
22 assistance and infrastructure building or activi-
23 ties that contribute to regional stability, wheth-
24 er in lieu of or in addition to military-related
25 contributions.

1 (4) The extent to which a forward United
2 States military presence compensates for existing
3 shortfalls of air and sea lift capability in the event
4 of regional conflict in Europe or the Middle East.

5 (c) REPORT.—The Comptroller General shall submit
6 to the Committees on Armed Services of the Senate and
7 House of Representatives a report on the results of the
8 study not later than December 1, 2001.

9 **Subtitle D—Other Matters**

10 **SEC. 1231. JOINT DATA EXCHANGE CENTER WITH RUSSIAN**
11 **FEDERATION ON EARLY WARNING SYSTEMS**
12 **AND NOTIFICATION OF BALLISTIC MISSILE**
13 **LAUNCHES.**

14 (a) AUTHORITY.—The Secretary of Defense is au-
15 thorized to establish, in conjunction with the Government
16 of the Russian Federation, a United States-Russian Fed-
17 eration joint center for the exchange of data from systems
18 to provide early warning of launches of ballistic missiles
19 and for notification of launches of such missiles.

20 (b) SPECIFIC ACTIONS.—The actions that the Sec-
21 retary undertakes for the establishment of the center may
22 include—

23 (1) subject to subsection (d), participating in
24 the renovation of a mutually agreed upon facility to
25 be made available by the Russian Federation; and

1 (2) the furnishing of such equipment and sup-
2 plies as may be necessary to begin the operation of
3 the center.

4 (c) REPORT REQUIRED.—(1) Not later than 30 days
5 after the date of the enactment of this Act, the Secretary
6 shall submit to the Committee on Armed Services of the
7 Senate and the Committee on Armed Services of the
8 House of Representatives a report on plans for the joint
9 data exchange center.

10 (2) The report shall include the following:

11 (A) A detailed explanation as to why the par-
12 ticular facility intended to house the center was cho-
13 sen.

14 (B) An estimate of the total cost of renovating
15 that facility for use by the center.

16 (C) A description of the manner by which the
17 United States proposes to meet its share of the costs
18 of such renovation.

19 (d) LIMITATION.—(1) The Secretary of Defense may
20 participate under subsection (b) in the renovation of the
21 facility identified in the report under subsection (c) only
22 if the United States and the Russian Federation enter into
23 a cost-sharing arrangement that provides for an equal
24 sharing between the two nations of the cost of establishing

1 the center, including the costs of renovating and operating
2 the facility.

3 (2) Not more than \$4,000,000 of funds appropriated
4 for fiscal year 2001 may be obligated or expended after
5 the date of the enactment of this Act by the Secretary
6 of Defense for the renovation of such facility until 30 days
7 after the date on which the Secretary submits to the Com-
8 mittee on Armed Services of the Senate and the Com-
9 mittee on Armed Services of the House of Representatives
10 a copy of a written agreement between the United States
11 and the Russian Federation that provides details of the
12 cost-sharing arrangement specified in paragraph (1), in
13 accordance with the Memorandum of Agreement between
14 the two nations signed in Moscow in June 2000.

15 **SEC. 1232. REPORT ON SHARING AND EXCHANGE OF BAL-**
16 **LISTIC MISSILE LAUNCH EARLY WARNING**
17 **DATA.**

18 Not later than March 15, 2001, the Secretary of De-
19 fense shall submit to the Committee on Armed Services
20 of the Senate and the Committee on Armed Services of
21 the House of Representatives a report on current and
22 planned activities of the Department of Defense with re-
23 spect to the sharing and exchange with other countries
24 of early warning data concerning ballistic missile launches.
25 The report shall include the Secretary's assessment of the

1 benefits and risks of sharing such data with other coun-
2 tries on a bilateral or multilateral basis.

3 **SEC. 1233. ANNUAL REPORT OF COMMUNIST CHINESE MILI-**
4 **TARY COMPANIES OPERATING IN THE**
5 **UNITED STATES.**

6 Section 1237(b) of the Strom Thurmond National
7 Defense Authorization Act for Fiscal Year 1999 (50
8 U.S.C. 1701 note) is amended—

9 (1) by striking “PUBLICATION” in the sub-
10 section heading and inserting “REPORTING”; and

11 (2) by striking paragraphs (1) and (2) and in-
12 serting the following:

13 “(1) INITIAL DETERMINATION AND REPORT-
14 ING.—Not later than March 1, 2001, the Secretary
15 of Defense shall make a determination of those per-
16 sons operating directly or indirectly in the United
17 States or any of its territories and possessions that
18 are Communist Chinese military companies and shall
19 submit a list of those persons in classified and un-
20 classified form to the following:

21 “(A) The Committee on Armed Services of
22 the House of Representatives.

23 “(B) The Committee on Armed Services of
24 the Senate.

25 “(C) The Secretary of State.

1 “(D) The Secretary of the Treasury.

2 “(E) The Attorney General.

3 “(F) The Secretary of Commerce.

4 “(G) The Secretary of Energy.

5 “(H) The Director of Central Intelligence.

6 “(2) ANNUAL REVISIONS TO THE LIST.—The
 7 Secretary of Defense shall make additions or dele-
 8 tions to the list submitted under paragraph (1) on
 9 an annual basis based on the latest information
 10 available and shall submit the updated list not later
 11 than February 1, each year to the committees and
 12 officers specified in paragraph (1).”.

13 **SEC. 1234. ADJUSTMENT OF COMPOSITE THEORETICAL**
 14 **PERFORMANCE LEVELS OF HIGH PERFORM-**
 15 **ANCE COMPUTERS.**

16 (a) LAYOVER PERIOD FOR NEW PERFORMANCE LEV-
 17 ELS.—Section 1211 of the National Defense Authoriza-
 18 tion Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note)
 19 is amended—

20 (1) in the second sentence of subsection (d), by
 21 striking “180” and inserting “60”; and

22 (2) by adding at the end the following new sub-
 23 section:

24 “(h) CALCULATION OF 60-DAY PERIOD.—The 60-
 25 day period referred to in subsection (d) shall be calculated

1 by excluding the days on which either House of Congress
2 is not in session because of an adjournment of the Con-
3 gress sine die.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 subsection (a) shall apply to any new composite theoretical
6 performance level established for purposes of section
7 1211(a) of the National Defense Authorization Act for
8 Fiscal Year 1998 that is submitted by the President pur-
9 suant to section 1211(d) of that Act on or after the date
10 of the enactment of this Act.

11 **SEC. 1235. INCREASED AUTHORITY TO PROVIDE HEALTH**
12 **CARE SERVICES AS HUMANITARIAN AND**
13 **CIVIC ASSISTANCE.**

14 Section 401(e)(1) of title 10, United States Code, is
15 amended by striking “rural areas of a country” and insert-
16 ing “areas of a country that are rural or are underserved
17 by medical, dental, and veterinary professionals, respec-
18 tively”.

19 **SEC. 1236. SENSE OF CONGRESS REGARDING THE USE OF**
20 **CHILDREN AS SOLDIERS.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) In the year 2000, approximately 300,000
24 individuals under the age of 18 are participating in
25 armed conflict in more than 30 countries worldwide.

1 (2) Many children participating in armed con-
2 flict in various countries around the world are fore-
3 ibly conscripted through kidnapping or coercion,
4 while others join military units due to economic ne-
5 cessity, to avenge the loss of a family member, or for
6 their own personal safety.

7 (3) Many military commanders frequently force
8 child soldiers to commit gruesome acts of ritual
9 killings or torture against their enemies, including
10 against other children.

11 (4) Many military commanders separate chil-
12 dren from their families in order to foster depend-
13 ence on military units and leaders, leaving children
14 vulnerable to manipulation, deep traumatization, and
15 in need of psychological counseling and rehabilita-
16 tion.

17 (5) Child soldiers are exposed to hazardous con-
18 ditions and risk physical injuries, sexually trans-
19 mitted diseases, malnutrition, deformed backs and
20 shoulders from carrying overweight loads, and res-
21 piratory and skin infections.

22 (6) Many young female soldiers face the addi-
23 tional psychological and physical horrors of rape and
24 sexual abuse, being enslaved for sexual purposes by

1 militia commanders, and forced to endure severe so-
2 cial stigma should they return home.

3 (7) Children in northern Uganda continue to be
4 kidnapped by the Lords Resistance Army (LRA),
5 which is supported and funded by the Government
6 of Sudan and which has committed and continues to
7 commit gross human rights violations in Uganda.

8 (8) Children in Sri Lanka have been forcibly re-
9 cruited by the opposition Tamil Tigers movement
10 and forced to kill or be killed in the armed conflict
11 in that country.

12 (9) An estimated 7,000 child soldiers have been
13 involved in the conflict in Sierra Leone, some as
14 young as age 10, with many being forced to commit
15 extrajudicial executions, torture, rape, and amputa-
16 tions for the rebel Revolutionary United Front.

17 (10) On January 21, 2000, in Geneva, a United
18 Nations Working Group, including representatives
19 from more than 80 governments including the
20 United States, reached consensus on an inter-
21 national agreement, referred to in this case as an
22 “optional protocol”, on the use of child soldiers.

23 (11) This optional protocol, upon entry into
24 force, will—

1 (A) raise the international minimum age
2 for conscription and will require governments to
3 take all feasible measures to ensure that mem-
4 bers of their armed forces under age 18 do not
5 participate directly in combat;

6 (B) prohibit the recruitment and use in
7 armed conflict of persons under the age of 18
8 by non-governmental armed forces;

9 (C) encourage governments to raise the
10 minimum legal age for voluntary recruits above
11 the current standard of 15, and

12 (D) commit governments to support the
13 demobilization and rehabilitation of child sol-
14 diers and, when possible, to allocate resources
15 to this purpose.

16 (12) On October 29, 1998, United Nations Sec-
17 retary General Kofi Annan set minimum age re-
18 quirements for United Nations peacekeeping per-
19 sonnel that are made available by member nations of
20 the United Nations.

21 (13) The United Nations Under-Secretary Gen-
22 eral for Peace-keeping, Bernard Miyet, announced in
23 the Fourth Committee of the General Assembly that
24 contributing governments of member nations were
25 asked not to send civilian police and military observ-

1 ers under the age of 25 and that troops in national
2 contingents should preferably be at least 21 years of
3 age but in no case should they be younger than 18
4 years of age.

5 (14) On August 25, 1999, the United Nations
6 Security Council unanimously passed Resolution
7 1261 (1999) condemning the use of children in
8 armed conflicts.

9 (15) In addressing the Security Council on Au-
10 gust 26, 1999, the Special Representative of the
11 Secretary General for Children and Armed Conflict,
12 Olara Otunnu, urged the adoption of a global three-
13 pronged approach to combatting the use of children
14 in armed conflict that would—

15 (A) first, raise the age limit for recruit-
16 ment and participation in armed conflict from
17 the present age of 15 to the age of 18;

18 (B) second, increase international pressure
19 on armed groups which currently abuse chil-
20 dren; and

21 (C) third, address the political, social, and
22 economic factors that create an environment in
23 which children are induced by appeal of ide-
24 ology or by socio-economic collapse to become
25 child soldiers.

1 (16) The United States delegation to the
2 United Nations working group relating to child sol-
3 diers, which included representatives from the De-
4 partment of Defense, supported the Geneva agree-
5 ment on the optional protocol.

6 (17) On May 25, 2000, the United Nations
7 General Assembly unanimously adopted the optional
8 protocol on the use of child soldiers.

9 (18) The optional protocol was opened for sig-
10 nature on June 5, 2000.

11 (19) The President signed the optional protocol
12 on behalf of the United States on July 5, 2000.

13 (b) CONGRESSIONAL STATEMENTS ON CHILD SOL-
14 DIERS.—Congress joins the international community in—

15 (1) condemning the use of children as soldiers
16 by governmental and nongovernmental armed forces
17 worldwide; and

18 (2) welcoming the optional protocol on the use
19 of child soldiers adopted by the United Nations Gen-
20 eral Assembly on May 25, 2000, as a critical first
21 step in ending the use of children as soldiers.

22 (c) SENSE OF CONGRESS ON FURTHER ACTIONS.—
23 It is the sense of Congress that—

24 (1) it is essential that the President consult
25 closely with the Senate with the objective of building

1 support for ratification by the United States of the
2 optional protocol and that the Senate move forward
3 as expeditiously as possible;

4 (2) the United States should provide assistance,
5 through a new fund to be established by law, for the
6 rehabilitation and reintegration into their respective
7 civilian societies of child soldiers of other nations;
8 and

9 (3) the President, acting through the Secre-
10 taries of State and Defense and other appropriate
11 officials, should undertake all possible efforts to per-
12 suade and encourage other governments to ratify
13 and endorse the optional protocol on the use of child
14 soldiers.

15 **SEC. 1237. SENSE OF CONGRESS REGARDING UNDERSEA**
16 **RESCUE AND RECOVERY.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) The tragic loss in August 2000 of the Rus-
20 sian submarine Kursk resulted in the death of all
21 118 members of the submarine's crew.

22 (2) The Kursk is the third vessel of the sub-
23 marine fleet of the Russian Federation and its pred-
24 ecessor, the Union of Soviet Socialist Republics, to

1 be lost in an accident at sea with considerable loss
2 of life of the officers and crews of those submarines.

3 (3) The United States submarines USS Thresh-
4 er and USS Scorpion, with their officers and crews,
5 were also lost at sea in tragic accidents, in 1963 and
6 1968, respectively.

7 (4) The United States, the Russian Federation,
8 and other maritime nations possess extensive capa-
9 bilities consisting of naval and research vessels and
10 other assets that could be used to respond to acci-
11 dents or incidents involving submarines or other un-
12 dersea vessels.

13 (5) The United States Navy has rescue agree-
14 ments with the navies of 14 countries from Europe,
15 the Western Pacific, and the Americas, but not in-
16 cluding the Russian Federation, and exercises regu-
17 larly to train crews and practice submarine rescue
18 procedures with the navies of participating nations.

19 (b) **EXPRESSION OF SYMPATHY.**—Congress expresses
20 its sympathy and the sympathy of the American people
21 to the people of the Russian Federation and joins the Rus-
22 sian people in mourning the death of the crewmen of the
23 submarine Kursk.

24 (c) **SENSE OF CONGRESS CONCERNING INTER-**
25 **NATIONAL COOPERATION.**—It is the sense of Congress

1 that when undersea accidents or incidents involving sub-
2 marines or other undersea vessels occur, it is in the best
3 interests of all nations to work together to respond
4 promptly to the accident or incident, rescue and recover
5 the crew of the vessel, minimize the loss of life, and pre-
6 vent damage to the oceans.

7 (d) ESTABLISHMENT OF PLAN FOR RESPONDING TO
8 UNDERSEA ACCIDENTS OR INCIDENTS.—Congress urges
9 the President of the United States and the President of
10 the Russian Federation, in coordination with the leaders
11 of other maritime nations that possess undersea naval and
12 research vessels and undersea rescue capabilities, to co-
13 operate in establishing a plan for—

14 (1) responding to accidents or incidents involv-
15 ing submarines or other undersea vessels; and

16 (2) rescue and recovery of the crew of the ves-
17 sels involved in such accidents or incidents.

18 **SEC. 1238. UNITED STATES-CHINA SECURITY REVIEW COM-**
19 **MISSION.**

20 (a) PURPOSES.—The purposes of this section are as
21 follows:

22 (1) To establish the United States-China Secu-
23 rity Review Commission to review the national secu-
24 rity implications of trade and economic ties between

1 the United States and the People's Republic of
2 China.

3 (2) To facilitate the assumption by the United
4 States-China Security Review Commission of its du-
5 ties regarding the review referred to in paragraph
6 (1) by providing for the transfer to that Commission
7 of staff, materials, and infrastructure (including
8 leased premises) of the Trade Deficit Review Com-
9 mission that are appropriate for the review upon the
10 submittal of the final report of the Trade Deficit Re-
11 view Commission.

12 (b) ESTABLISHMENT OF UNITED STATES-CHINA SE-
13 CURITY REVIEW COMMISSION.—

14 (1) IN GENERAL.—There is hereby established
15 a commission to be known as the United States-
16 China Security Review Commission (in this section
17 referred to as the “Commission”).

18 (2) PURPOSE.—The purpose of the Commission
19 is to monitor, investigate, and report to Congress on
20 the national security implications of the bilateral
21 trade and economic relationship between the United
22 States and the People's Republic of China.

23 (3) MEMBERSHIP.—The United States-China
24 Security Review Commission shall be composed of
25 12 members, who shall be appointed in the same

1 manner provided for the appointment of members of
2 the Trade Deficit Review Commission under section
3 127(c)(3) of the Trade Deficit Review Commission
4 Act (19 U.S.C. 2213 note), except that—

5 (A) appointment of members by the Speak-
6 er of the House of Representatives shall be
7 made after consultation with the chairman of
8 the Committee on Armed Services of the House
9 of Representatives, in addition to consultation
10 with the chairman of the Committee on Ways
11 and Means of the House of Representatives
12 provided for under clause (iii) of subparagraph
13 (A) of that section;

14 (B) appointment of members by the Presi-
15 dent pro tempore of the Senate upon the rec-
16 ommendation of the majority leader of the Sen-
17 ate shall be made after consultation with the
18 chairman of the Committee on Armed Services
19 of the Senate, in addition to consultation with
20 the chairman of the Committee on Finance of
21 the Senate provided for under clause (i) of that
22 subparagraph;

23 (C) appointment of members by the Presi-
24 dent pro tempore of the Senate upon the rec-
25 ommendation of the minority leader of the Sen-

1 ate shall be made after consultation with the
2 ranking minority member of the Committee on
3 Armed Services of the Senate, in addition to
4 consultation with the ranking minority member
5 of the Committee on Finance of the Senate pro-
6 vided for under clause (ii) of that subpara-
7 graph;

8 (D) appointment of members by the minor-
9 ity leader of the House of Representatives shall
10 be made after consultation with the ranking mi-
11 nority member of the Committee on Armed
12 Services of the House of Representatives, in ad-
13 dition to consultation with the ranking minority
14 member of the Committee on Ways and Means
15 of the House of Representatives provided for
16 under clause (iv) of that subparagraph;

17 (E) persons appointed to the Commission
18 shall have expertise in national security matters
19 and United States-China relations, in addition
20 to the expertise provided for under subpara-
21 graph (B)(i)(I) of that section;

22 (F) members shall be appointed to the
23 Commission not later than 30 days after the
24 date on which each new Congress convenes;

1 (G) members of the Commission may be
2 reappointed for additional terms of service as
3 members of the Commission; and

4 (H) members of the Trade Deficit Review
5 Commission as of the date of the enactment of
6 this Act shall serve as members of the United
7 States-China Security Review Commission until
8 such time as members are first appointed to the
9 United States-China Security Review Commis-
10 sion under this paragraph.

11 (4) RETENTION OF SUPPORT.—The United
12 States-China Security Review Commission shall re-
13 tain and make use of such staff, materials, and in-
14 frastructure (including leased premises) of the Trade
15 Deficit Review Commission as the United States-
16 China Security Review Commission determines, in
17 the judgment of the members of the United States-
18 China Security Review Commission, are required to
19 facilitate the ready commencement of activities of
20 the United States-China Security Review Commis-
21 sion under subsection (c) or to carry out such activi-
22 ties after the commencement of such activities.

23 (5) CHAIRMAN AND VICE CHAIRMAN.—The
24 members of the Commission shall select a Chairman

1 and Vice Chairman of the Commission from among
2 the members of the Commission.

3 (6) MEETINGS.—

4 (A) MEETINGS.—The Commission shall
5 meet at the call of the Chairman of the Com-
6 mission.

7 (B) QUORUM.—A majority of the members
8 of the Commission shall constitute a quorum
9 for the transaction of business of the Commis-
10 sion.

11 (7) VOTING.—Each member of the Commission
12 shall be entitled to one vote, which shall be equal to
13 the vote of every other member of the Commission.

14 (c) DUTIES.—

15 (1) ANNUAL REPORT.—Not later than March 1
16 each year (beginning in 2002), the Commission shall
17 submit to Congress a report, in both unclassified
18 and classified form, regarding the national security
19 implications and impact of the bilateral trade and
20 economic relationship between the United States and
21 the People's Republic of China. The report shall in-
22 clude a full analysis, along with conclusions and rec-
23 ommendations for legislative and administrative ac-
24 tions, if any, of the national security implications for
25 the United States of the trade and current balances

1 with the People's Republic of China in goods and
2 services, financial transactions, and technology
3 transfers. The Commission shall also take into ac-
4 count patterns of trade and transfers through third
5 countries to the extent practicable.

6 (2) CONTENTS OF REPORT.—Each report under
7 paragraph (1) shall include, at a minimum, a full
8 discussion of the following:

9 (A) The portion of trade in goods and
10 services with the United States that the Peo-
11 ple's Republic of China dedicates to military
12 systems or systems of a dual nature that could
13 be used for military purposes.

14 (B) The acquisition by the People's Repub-
15 lic of China of advanced military or dual-use
16 technologies from the United States by trade
17 (including procurement) and other technology
18 transfers, especially those transfers, if any, that
19 contribute to the proliferation of weapons of
20 mass destruction or their delivery systems, or
21 that undermine international agreements or
22 United States laws with respect to nonprolifera-
23 tion.

24 (C) Any transfers, other than those identi-
25 fied under subparagraph (B), to the military

1 systems of the People's Republic of China made
2 by United States firms and United States-based
3 multinational corporations.

4 (D) An analysis of the statements and
5 writing of the People's Republic of China offi-
6 cials and officially-sanctioned writings that bear
7 on the intentions, if any, of the Government of
8 the People's Republic of China regarding the
9 pursuit of military competition with, and lever-
10 age over, or cooperation with, the United States
11 and the Asian allies of the United States.

12 (E) The military actions taken by the Gov-
13 ernment of the People's Republic of China dur-
14 ing the preceding year that bear on the national
15 security of the United States and the regional
16 stability of the Asian allies of the United
17 States.

18 (F) The effects, if any, on the national se-
19 curity interests of the United States of the use
20 by the People's Republic of China of financial
21 transactions and capital flow and currency ma-
22 nipulations.

23 (G) Any action taken by the Government
24 of the People's Republic of China in the context
25 of the World Trade Organization that is ad-

verse or favorable to the United States national security interests.

(H) Patterns of trade and investment between the People's Republic of China and its major trading partners, other than the United States, that appear to be substantively different from trade and investment patterns with the United States and whether the differences have any national security implications for the United States.

(I) The extent to which the trade surplus of the People's Republic of China with the United States enhances the military budget of the People's Republic of China.

(J) An overall assessment of the state of the security challenges presented by the People's Republic of China to the United States and whether the security challenges are increasing or decreasing from previous years.

(3) RECOMMENDATIONS OF REPORT.—Each report under paragraph (1) shall also include recommendations for action by Congress or the President, or both, including specific recommendations for the United States to invoke Article XXI (relating to security exceptions) of the General Agreement on

1 Tariffs and Trade 1994 with respect to the People's
2 Republic of China, as a result of any adverse impact
3 on the national security interests of the United
4 States.

5 (d) HEARINGS.—

6 (1) IN GENERAL.—The Commission or, at its
7 direction, any panel or member of the Commission,
8 may for the purpose of carrying out the provisions
9 of this section, hold hearings, sit and act at times
10 and places, take testimony, receive evidence, and ad-
11 minister oaths to the extent that the Commission or
12 any panel or member considers advisable.

13 (2) INFORMATION.—The Commission may se-
14 cure directly from the Department of Defense, the
15 Central Intelligence Agency, and any other Federal
16 department or agency information that the Commis-
17 sion considers necessary to enable the Commission
18 to carry out its duties under this section, except the
19 provision of intelligence information to the Commis-
20 sion shall be made with due regard for the protec-
21 tion from unauthorized disclosure of classified infor-
22 mation relating to sensitive intelligence sources and
23 methods or other exceptionally sensitive matters,
24 under procedures approved by the Director of Cen-
25 tral Intelligence.

1 (3) SECURITY.—The Office of Senate Security
2 shall—

3 (A) provide classified storage and meeting
4 and hearing spaces, when necessary, for the
5 Commission; and

6 (B) assist members and staff of the Com-
7 mission in obtaining security clearances.

8 (4) SECURITY CLEARANCES.—All members of
9 the Commission and appropriate staff shall be sworn
10 and hold appropriate security clearances.

11 (e) COMMISSION PERSONNEL MATTERS.—

12 (1) COMPENSATION OF MEMBERS.—Members of
13 the United States-China Security Review Commis-
14 sion shall be compensated in the same manner pro-
15 vided for the compensation of members of the Trade
16 Deficit Review Commission under section 127(g)(1)
17 and section 127(g)(6) of the Trade Deficit Review
18 Commission Act (19 U.S.C. 2213 note).

19 (2) TRAVEL EXPENSES.—Travel expenses of
20 the United States-China Security Review Commis-
21 sion shall be allowed in the same manner provided
22 for the allowance of the travel expenses of the Trade
23 Deficit Review Commission under section 127(g)(2)
24 of the Trade Deficit Review Commission Act.

1 (3) STAFF.—An executive director and other
2 additional personnel for the United States-China Se-
3 curity Review Commission shall be appointed, com-
4 pensated, and terminated in the same manner pro-
5 vided for the appointment, compensation, and termi-
6 nation of the executive director and other personnel
7 of the Trade Deficit Review Commission under sec-
8 tion 127(g)(3) and section 127(g)(6) of the Trade
9 Deficit Review Commission Act.

10 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
11 Federal Government employees may be detailed to
12 the United States-China Security Review Commis-
13 sion in the same manner provided for the detail of
14 Federal Government employees to the Trade Deficit
15 Review Commission under section 127(g)(4) of the
16 Trade Deficit Review Commission Act.

17 (5) FOREIGN TRAVEL FOR OFFICIAL PUR-
18 POSES.—Foreign travel for official purposes by
19 members and staff of the Commission may be au-
20 thorized by either the Chairman or the Vice Chair-
21 man of the Commission.

22 (6) PROCUREMENT OF TEMPORARY AND INTER-
23 MITTENT SERVICES.—The Chairman of the United
24 States-China Security Review Commission may pro-
25 cure temporary and intermittent services for the

1 United States-China Security Review Commission in
 2 the same manner provided for the procurement of
 3 temporary and intermittent services for the Trade
 4 Deficit Review Commission under section 127(g)(5)
 5 of the Trade Deficit Review Commission Act.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
 8 appropriated to the Commission for fiscal year 2001,
 9 and for each fiscal year thereafter, such sums as
 10 may be necessary to enable the Commission to carry
 11 out its functions under this section.

12 (2) AVAILABILITY.—Amounts appropriated to
 13 the Commission shall remain available until ex-
 14 pended.

15 (g) FEDERAL ADVISORY COMMITTEE ACT.—The pro-
 16 visions of the Federal Advisory Committee Act (5 U.S.C.
 17 App.) shall not apply to the Commission.

18 (h) EFFECTIVE DATE.—This section shall take effect
 19 on the first day of the 107th Congress.

20 **TITLE XIII—COOPERATIVE**
 21 **THREAT REDUCTION WITH**
 22 **STATES OF THE FORMER SO-**
 23 **VIET UNION**

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Prohibition on use of funds for elimination of conventional weapons.

Sec. 1304. Limitations on use of funds for fissile material storage facility.

Sec. 1305. Limitation on use of funds to support warhead dismantlement processing.

Sec. 1306. Agreement on nuclear weapons storage sites.

Sec. 1307. Limitation on use of funds for construction of fossil fuel energy plants; report.

Sec. 1308. Reports on activities and assistance under Cooperative Threat Reduction programs.

Sec. 1309. Russian chemical weapons elimination.

Sec. 1310. Limitation on use of funds for elimination of weapons grade plutonium program.

Sec. 1311. Report on audits of Cooperative Threat Reduction programs.

1 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
 2 **DUCTION PROGRAMS AND FUNDS.**

3 (a) SPECIFICATION OF CTR PROGRAMS.—For pur-
 4 poses of section 301 and other provisions of this Act, Co-
 5 operative Threat Reduction programs are the programs
 6 specified in section 1501(b) of the National Defense Au-
 7 thorization Act for Fiscal Year 1997 (Public Law 104–
 8 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

9 (b) FISCAL YEAR 2001 COOPERATIVE THREAT RE-
 10 Duction FUNDS DEFINED.—As used in this title, the
 11 term “fiscal year 2001 Cooperative Threat Reduction
 12 funds” means the funds appropriated pursuant to the au-
 13 thorization of appropriations in section 301 for Coopera-
 14 tive Threat Reduction programs.

15 (c) AVAILABILITY OF FUNDS.—Funds appropriated
 16 pursuant to the authorization of appropriations in section
 17 301 for Cooperative Threat Reduction programs shall be
 18 available for obligation for three fiscal years.

1 **SEC. 1302. FUNDING ALLOCATIONS.**

2 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
3 \$443,400,000 authorized to be appropriated to the De-
4 partment of Defense for fiscal year 2001 in section
5 301(23) for Cooperative Threat Reduction programs, not
6 more than the following amounts may be obligated for the
7 purposes specified:

8 (1) For strategic offensive arms elimination in
9 Russia, \$177,800,000.

10 (2) For strategic nuclear arms elimination in
11 Ukraine, \$29,100,000.

12 (3) For activities to support warhead dismantlement
13 processing in Russia, \$9,300,000.

14 (4) For weapons transportation security in Rus-
15 sia, \$14,000,000.

16 (5) For planning, design, and construction of a
17 storage facility for Russian fissile material,
18 \$57,400,000.

19 (6) For weapons storage security in Russia,
20 \$89,700,000.

21 (7) For development of a cooperative program
22 with the Government of Russia to eliminate the pro-
23 duction of weapons grade plutonium at Russian re-
24 actors, \$32,100,000.

1 (8) For biological weapons proliferation preven-
2 tion activities in the former Soviet Union,
3 \$12,000,000.

4 (9) For activities designated as Other Assess-
5 ments/Administrative Support, \$13,000,000.

6 (10) For defense and military contacts,
7 \$9,000,000.

8 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
9 FUNDS FOR OTHER PURPOSES.—No fiscal year 2001 Co-
10 operative Threat Reduction funds may be obligated or ex-
11 pended for a purpose other than a purpose listed in para-
12 graphs (1) through (10) of subsection (a) until 30 days
13 after the date that the Secretary of Defense submits to
14 Congress a report on the purpose for which the funds will
15 be obligated or expended and the amount of funds to be
16 obligated or expended. Nothing in the preceding sentence
17 shall be construed as authorizing the obligation or expend-
18 iture of fiscal year 2001 Cooperative Threat Reduction
19 funds for a purpose for which the obligation or expendi-
20 ture of such funds is specifically prohibited under this title
21 or any other provision of law.

22 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
23 AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any
24 case in which the Secretary of Defense determines that
25 it is necessary to do so in the national interest, the Sec-

1 retary may obligate amounts appropriated for fiscal year
2 2001 for a purpose listed in any of the paragraphs in sub-
3 section (a) in excess of the amount specifically authorized
4 for such purpose.

5 (2) An obligation of funds for a purpose stated in
6 any of the paragraphs in subsection (a) in excess of the
7 specific amount authorized for such purpose may be made
8 using the authority provided in paragraph (1) only after—

9 (A) the Secretary submits to Congress notifica-
10 tion of the intent to do so together with a complete
11 discussion of the justification for doing so; and

12 (B) 15 days have elapsed following the date of
13 the notification.

14 (3) The Secretary may not, under the authority pro-
15 vided in paragraph (1), obligate amounts for the purposes
16 stated in any of paragraphs (4), (5), (7), (9), or (10) of
17 subsection (a) in excess of 115 percent of the amount spe-
18 cifically authorized for such purposes.

19 **SEC. 1303. PROHIBITION ON USE OF FUNDS FOR ELIMI-**
20 **NATION OF CONVENTIONAL WEAPONS.**

21 No fiscal year 2001 Cooperative Threat Reduction
22 funds, and no funds appropriated for Cooperative Threat
23 Reduction programs for any other fiscal year, may be obli-
24 gated or expended for elimination of conventional weapons

1 or the delivery vehicles primarily intended to deliver such
2 weapons.

3 **SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE**
4 **MATERIAL STORAGE FACILITY.**

5 (a) LIMITATIONS.—No fiscal year 2001 Cooperative
6 Threat Reduction funds may be used—

7 (1) for construction of a second wing for the
8 storage facility for Russian fissile material referred
9 to in section 1302(a)(5); or

10 (2) for design or planning with respect to such
11 facility until 15 days after the date that the Sec-
12 retary of Defense submits to Congress notification
13 that Russia and the United States have signed a
14 written transparency agreement that provides for
15 verification that material stored at the facility is of
16 weapons origin.

17 (b) ESTABLISHMENT OF FUNDING CAP FOR FIRST
18 WING OF STORAGE FACILITY.—Out of funds authorized
19 to be appropriated for Cooperative Threat Reduction pro-
20 grams for fiscal year 2001 or any other fiscal year, not
21 more than \$412,600,000 may be used for planning, de-
22 sign, or construction of the first wing for the storage facil-
23 ity for Russian fissile material referred to in section
24 1302(a)(5).

1 **SEC. 1305. LIMITATION ON USE OF FUNDS TO SUPPORT**
2 **WARHEAD DISMANTLEMENT PROCESSING.**

3 No fiscal year 2001 Cooperative Threat Reduction
4 funds may be used for activities to support warhead dis-
5 mantlement processing in Russia until 15 days after the
6 date that the Secretary of Defense submits to Congress
7 notification that the United States has reached an agree-
8 ment with Russia, which shall provide for appropriate
9 transparency measures, regarding assistance by the
10 United States with respect to such processing.

11 **SEC. 1306. AGREEMENT ON NUCLEAR WEAPONS STORAGE**
12 **SITES.**

13 The Secretary of Defense shall seek to enter into an
14 agreement with Russia regarding procedures to allow the
15 United States appropriate access to nuclear weapons stor-
16 age sites for which assistance under Cooperative Threat
17 Reduction programs is provided.

18 **SEC. 1307. LIMITATION ON USE OF FUNDS FOR CONSTRUC-**
19 **TION OF FOSSIL FUEL ENERGY PLANTS; RE-**
20 **PORT.**

21 (a) IN GENERAL.—No fiscal year 2001 Cooperative
22 Threat Reduction funds may be used for the construction
23 of a fossil fuel energy plant intended to provide power to
24 local communities that already receive power from nuclear
25 energy plants that produce plutonium.

1 (b) REPORT.—Not later than 60 days after the date
2 of the enactment of this Act, the President shall submit
3 to Congress a report detailing options for assisting Russia
4 in the development of alternative energy sources to the
5 three plutonium production reactors remaining in oper-
6 ation in Russia. The report shall include—

7 (1) an assessment of the costs of building fossil
8 fuel plants in Russia to replace the existing pluto-
9 nium production reactors; and

10 (2) an identification of funding sources, other
11 than Cooperative Threat Reduction funds, that could
12 possibly be used for the construction of such plants
13 in the event that the option to use fossil fuel energy
14 is chosen as part of a plan to shut down Russia’s
15 nuclear plutonium production reactors at Seversk
16 and Zelenogorsk.

17 **SEC. 1308. REPORTS ON ACTIVITIES AND ASSISTANCE**
18 **UNDER COOPERATIVE THREAT REDUCTION**
19 **PROGRAMS.**

20 (a) ANNUAL REPORT.—In any year in which the
21 budget of the President under section 1105 of title 31,
22 United States Code, for the fiscal year beginning in such
23 year requests funds for the Department of Defense for as-
24 sistance or activities under Cooperative Threat Reduction
25 programs with the states of the former Soviet Union, the

1 Secretary of Defense shall submit to Congress a report
2 on activities and assistance during the preceding fiscal
3 year under Cooperative Threat Reduction programs set-
4 ting forth the matters in subsection (c).

5 (b) DEADLINE FOR REPORT.—The report under sub-
6 section (a) shall be submitted not later than the first Mon-
7 day in February of a year.

8 (c) MATTERS TO BE INCLUDED.—The report under
9 subsection (a) in a year shall set forth the following:

10 (1) An estimate of the total amount that will be
11 required to be expended by the United States in
12 order to achieve the objectives of the Cooperative
13 Threat Reduction programs.

14 (2) A five-year plan setting forth the amount of
15 funds and other resources proposed to be provided
16 by the United States for Cooperative Threat Reduc-
17 tion programs over the term of the plan, including
18 the purpose for which such funds and resources will
19 be used, and to provide guidance for the preparation
20 of annual budget submissions with respect to Coop-
21 erative Threat Reduction programs.

22 (3) A description of the Cooperative Threat Re-
23 duction activities carried out during the fiscal year
24 ending in the year preceding the year of the report,
25 including—

1 (A) the amounts notified, obligated, and
2 expended for such activities and the purposes
3 for which such amounts were notified, obli-
4 gated, and expended for such fiscal year and
5 cumulatively for Cooperative Threat Reduction
6 programs;

7 (B) a description of the participation, if
8 any, of each department and agency of the
9 United States Government in such activities;

10 (C) a description of such activities, includ-
11 ing the forms of assistance provided;

12 (D) a description of the United States pri-
13 vate sector participation in the portion of such
14 activities that were supported by the obligation
15 and expenditure of funds for Cooperative
16 Threat Reduction programs; and

17 (E) such other information as the Sec-
18 retary of Defense considers appropriate to in-
19 form Congress fully of the operation of Cooper-
20 ative Threat Reduction programs and activities,
21 including with respect to proposed demilitariza-
22 tion or conversion projects, information on the
23 progress toward demilitarization of facilities
24 and the conversion of the demilitarized facilities
25 to civilian activities.

1 (4) A description of the audits, examinations,
2 and other efforts, such as on-site inspections, con-
3 ducted by the United States during the fiscal year
4 ending in the year preceding the year of the report
5 to ensure that assistance provided under Cooperative
6 Threat Reduction programs is fully accounted for
7 and that such assistance is being used for its in-
8 tended purpose, including—

9 (A) if such assistance consisted of equip-
10 ment, a description of the current location of
11 such equipment and the current condition of
12 such equipment;

13 (B) if such assistance consisted of con-
14 tracts or other services, a description of the sta-
15 tus of such contracts or services and the meth-
16 ods used to ensure that such contracts and
17 services are being used for their intended pur-
18 pose;

19 (C) a determination whether the assistance
20 described in subparagraphs (A) and (B) has
21 been used for its intended purpose; and

22 (D) a description of the audits, examina-
23 tions, and other efforts planned to be carried
24 out during the fiscal year beginning in the year
25 of the report to ensure that Cooperative Threat

1 Reduction assistance provided during such fis-
2 cal year is fully accounted for and is used for
3 its intended purpose.

4 (5) A current description of the tactical nuclear
5 weapons arsenal of Russia, including—

6 (A) an estimate of the current types, num-
7 bers, yields, viability, locations, and deployment
8 status of the nuclear warheads in that arsenal;

9 (B) an assessment of the strategic rel-
10 evance of such warheads;

11 (C) an assessment of the current and pro-
12 jected threat of theft, sale, or unauthorized use
13 of such warheads; and

14 (D) a summary of past, current, and
15 planned United States efforts to work coopera-
16 tively with Russia to account for, secure, and
17 reduce Russia's stockpile of tactical nuclear
18 warheads and associated fissile materials.

19 (d) INPUT OF DCI.—The Director of Central Intel-
20 ligence shall submit to the Secretary of Defense the views
21 of the Director on any matters covered by subsection
22 (c)(5) in a report under subsection (a). Such views shall
23 be included in such report as a classified annex to such
24 report.

1 (e) COMPTROLLER GENERAL ASSESSMENT.—Not
2 later than 90 days after the date on which a report is
3 submitted to Congress under subsection (a), the Comp-
4 troller General shall submit to Congress a report setting
5 forth the Comptroller General's assessment of the infor-
6 mation described in paragraphs (2) and (4) of subsection
7 (c).

8 (f) FIRST REPORT.—The first report submitted
9 under subsection (a) shall be submitted in 2001.

10 (g) REPEAL OF SUPERSEDED REPORTING REQUIRE-
11 MENTS.—(1) The following provisions of law are repealed:

12 (A) Section 1207 of the Cooperative Threat Re-
13 duction Act of 1994 (title XII of Public Law 103-
14 160; 107 Stat. 1782; 22 U.S.C. 5956), relating to
15 semiannual reports on Cooperative Threat Reduc-
16 tion.

17 (B) Section 1203 of the National Defense Au-
18 thorization Act for Fiscal Year 1995 (Public Law
19 103-337; 108 Stat. 2882), relating to a report ac-
20 counting for United States assistance for Coopera-
21 tive Threat Reduction.

22 (C) Section 1206 of the National Defense Au-
23 thorization Act for Fiscal Year 1996 (Public Law
24 104-106; 22 U.S.C. 5955 note), relating to account-

1 ing for United States assistance for Cooperative
2 Threat Reduction.

3 (D) Section 1307 of the National Defense Au-
4 thorization Act for Fiscal Year 2000 (Public Law
5 106–65; 113 Stat. 795), relating to a limitation on
6 use of funds for Cooperative Threat Reduction pend-
7 ing submittal of a multiyear plan.

8 (2) Effective on the date the Secretary of Defense
9 submits to Congress an updated version of the multiyear
10 plan for fiscal year 2001 as described in subsection (h),
11 section 1205 of the National Defense Authorization Act
12 for Fiscal Year 1995 (108 Stat. 2883; 10 U.S.C. 5952
13 note), relating to multiyear planning and Allied support
14 for Cooperative Threat Reduction, is repealed.

15 (3) Section 1312 of the National Defense Authoriza-
16 tion Act for Fiscal Year 2000 (113 Stat. 796; 22 U.S.C.
17 5955 note), relating to Russian nonstrategic nuclear arms,
18 is amended—

19 (A) by striking “(a) SENSE OF CONGRESS.—”;
20 and

21 (B) by striking subsections (b) and (c).

22 (h) LIMITATION ON USE OF FUNDS UNTIL SUBMIS-
23 SION OF MULTIYEAR PLAN.—Not more than 10 percent
24 of fiscal year 2001 Cooperative Threat Reduction funds
25 may be obligated or expended until the Secretary of De-

1 fense submits to Congress an updated version of the
2 multiyear plan for fiscal year 2001 required to be sub-
3 mitted under section 1205 of the National Defense Au-
4 thorization Act for Fiscal Year 1995 (Public Law 103-
5 337; 22 U.S.C. 5952 note).

6 (i) REPORT ON RUSSIAN NONSTRATEGIC NUCLEAR
7 ARMS.—Not later than 30 days after the date of the en-
8 actment of this Act, the Secretary of Defense shall submit
9 to Congress a report on the following regarding Russia’s
10 arsenal of tactical nuclear warheads:

11 (1) Estimates regarding current types, num-
12 bers, yields, viability, locations, and deployment sta-
13 tus of the warheads.

14 (2) An assessment of the strategic relevance of
15 the warheads.

16 (3) An assessment of the current and projected
17 threat of theft, sale, or unauthorized use of the war-
18 heads.

19 (4) A summary of past, current, and planned
20 United States efforts to work cooperatively with
21 Russia to account for, secure, and reduce Russia’s
22 stockpile of tactical nuclear warheads and associated
23 fissile material.

1 **SEC. 1309. RUSSIAN CHEMICAL WEAPONS ELIMINATION.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that the international community should, when prac-
4 ticable, assist Russia in eliminating its chemical weapons
5 stockpile in accordance with Russia’s obligations under the
6 Chemical Weapons Convention, and that the level of such
7 assistance should be based on—

8 (1) full and accurate disclosure by Russia of the
9 size of its existing chemical weapons stockpile;

10 (2) a demonstrated annual commitment by Rus-
11 sia to allocate at least \$25,000,000 to chemical
12 weapons elimination;

13 (3) development by Russia of a practical plan
14 for destroying its stockpile of nerve agents;

15 (4) enactment of a law by Russia that provides
16 for the elimination of all nerve agents at a single
17 site; and

18 (5) an agreement by Russia to destroy its
19 chemical weapons production facilities at Volgograd
20 and Novocheboksark.

21 (b) REPORT.—Not later than 90 days after the date
22 of the enactment of this Act, the Secretary of Defense
23 shall submit to the Committees on Armed Services of the
24 Senate and the House of Representatives a report that
25 identifies—

1 (1) the amount spent by Russia for chemical
2 weapons elimination during fiscal year 2000;

3 (2) the specific assistance being provided to
4 Russia by the international community for the safe
5 storage and elimination of Russia's stockpile of
6 nerve agents, including those nerve agents located at
7 the Shchuch'ye depot;

8 (3) the countries providing the assistance iden-
9 tified in paragraph (2); and

10 (4) the value of the assistance that the inter-
11 national community has already provided and has
12 committed to provide in future years for the purpose
13 described in paragraph (2).

14 (c) **CHEMICAL WEAPONS CONVENTION DEFINED.**—
15 In this section, the term “Chemical Weapons Convention”
16 means the Convention on the Prohibition of the Develop-
17 ment, Production, Stockpiling and Use of Chemical Weap-
18 ons and on Their Destruction, opened for signature on
19 January 13, 1993.

20 **SEC. 1310. LIMITATION ON USE OF FUNDS FOR ELIMI-**
21 **NATION OF WEAPONS GRADE PLUTONIUM**
22 **PROGRAM.**

23 Of the amounts authorized to be appropriated by this
24 Act for fiscal year 2001 for the Elimination of Weapons
25 Grade Plutonium Program, not more than 50 percent of

1 such amounts may be obligated or expended for the pro-
2 gram in fiscal year 2001 until 30 days after the date on
3 which the Secretary of Defense submits to the Committees
4 on Armed Services of the Senate and House of Represent-
5 atives a report on an agreement between the United States
6 Government and the Government of the Russian Federa-
7 tion regarding a new option selected for the shut down
8 or conversion of the reactors of the Russian Federation
9 that produce weapons grade plutonium, including—

10 (1) the new date on which such reactors will
11 cease production of weapons grade plutonium under
12 such agreement by reason of the shut down or con-
13 version of such reactors; and

14 (2) any cost-sharing arrangements between the
15 United States Government and the Government of
16 the Russian Federation in undertaking activities
17 under such agreement.

18 **SEC. 1311. REPORT ON AUDITS OF COOPERATIVE THREAT**
19 **REDUCTION PROGRAMS.**

20 Not later than March 31, 2001, the Comptroller Gen-
21 eral shall submit to Congress a report examining the pro-
22 cedures and mechanisms with respect to audits by the De-
23 partment of Defense of the use of funds for Cooperative
24 Threat Reduction programs. The report shall examine the
25 following:

1 (1) Whether the audits being conducted by the
 2 Department of Defense are producing necessary in-
 3 formation regarding whether assistance under such
 4 programs, including equipment provided and services
 5 furnished, is being used as intended.

6 (2) Whether the audit procedures of the De-
 7 partment of Defense are adequate, including wheth-
 8 er random samplings are used.

9 **TITLE XIV—COMMISSION TO AS-**
 10 **SESS THE THREAT TO THE**
 11 **UNITED STATES FROM ELEC-**
 12 **TROMAGNETIC PULSE (EMP)**
 13 **ATTACK**

Sec. 1401. Establishment of commission.
 Sec. 1402. Duties of commission.
 Sec. 1403. Reports.
 Sec. 1404. Powers.
 Sec. 1405. Commission procedures.
 Sec. 1406. Personnel matters.
 Sec. 1407. Miscellaneous administrative provisions.
 Sec. 1408. Funding.
 Sec. 1409. Termination of the commission.

14 **SEC. 1401. ESTABLISHMENT OF COMMISSION.**

15 (a) ESTABLISHMENT.—There is hereby established a
 16 commission to be known as the “Commission to Assess
 17 the Threat to the United States from Electromagnetic
 18 Pulse Attack” (hereinafter in this title referred to as the
 19 “Commission”).

20 (b) COMPOSITION.—The Commission shall be com-
 21 posed of nine members. Seven of the members shall be

1 appointed by the Secretary of Defense and two of the
2 members shall be appointed by the Director of the Federal
3 Emergency Management Agency. In selecting individuals
4 for appointment to the Commission, the Secretary of De-
5 fense shall consult with the chairmen and ranking minor-
6 ity members of the Committees on Armed Services of the
7 Senate and House of Representatives.

8 (c) QUALIFICATIONS.—Members of the Commission
9 shall be appointed from among private United States citi-
10 zens with knowledge and expertise in the scientific, tech-
11 nical, and military aspects of electromagnetic pulse (here-
12 inafter in this title referred to as “EMP”) effects resulting
13 from the detonation of a nuclear weapon or weapons at
14 high altitude, sometimes referred to as high-altitude elec-
15 tromagnetic pulse effects (HEMP).

16 (d) CHAIRMAN OF COMMISSION.—The Secretary of
17 Defense shall designate one of the members of the Com-
18 mission to serve as chairman of the Commission.

19 (e) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
20 bers shall be appointed for the life of the Commission. Any
21 vacancy in the Commission shall be filled in the same man-
22 ner as the original appointment.

23 (f) SECURITY CLEARANCES.—All members of the
24 Commission shall hold appropriate security clearances.

1 (g) INITIAL ORGANIZATION REQUIREMENTS.—All
2 appointments to the Commission shall be made not later
3 than 90 days after the date of the enactment of this Act.
4 The Commission shall convene its first meeting not later
5 than 60 days after the date as of which all members of
6 the Commission have been appointed.

7 **SEC. 1402. DUTIES OF COMMISSION.**

8 (a) REVIEW OF EMP THREAT.—The Commission
9 shall assess—

10 (1) the nature and magnitude of potential high-
11 altitude EMP threats to the United States from all
12 potentially hostile states or non-state actors that
13 have or could acquire nuclear weapons and ballistic
14 missiles enabling them to perform a high-altitude
15 EMP attack against the United States within the
16 next 15 years;

17 (2) the vulnerability of United States military
18 and especially civilian systems to an EMP attack,
19 giving special attention to vulnerability of the civil-
20 ian infrastructure as a matter of emergency pre-
21 paredness;

22 (3) the capability of the United States to repair
23 and recover from damage inflicted on United States
24 military and civilian systems by an EMP attack; and

1 (4) the feasibility and cost of hardening select
2 military and civilian systems against EMP attack.

3 (b) RECOMMENDATION.—The Commission shall rec-
4 ommend any steps it believes should be taken by the
5 United States to better protect its military and civilian
6 systems from EMP attack.

7 (c) COOPERATION FROM GOVERNMENT OFFI-
8 CIALS.—In carrying out its duties, the Commission should
9 receive the full and timely cooperation of the Secretary
10 of Defense, the Director of the Federal Emergency Man-
11 agement Agency, and any other United States Govern-
12 ment official serving in the Department of Defense or
13 Armed Forces in providing the Commission with analyses,
14 briefings, and other information necessary for the fulfill-
15 ment of its responsibilities.

16 **SEC. 1403. REPORTS.**

17 (a) COMMISSION REPORT.—The Commission shall,
18 not later than one year after the date of its first meeting,
19 submit to Congress, the Secretary of Defense, and the Di-
20 rector of the Federal Emergency Management Agency a
21 report on the Commission’s findings and conclusions.

22 (b) SECRETARY OF DEFENSE REPORT.—Not later
23 than one year after the date of the Commission’s report
24 under subsection (a), the Secretary of Defense shall sub-
25 mit to Congress a report—

1 (1) commenting on the Commission's findings
2 and conclusions;

3 (2) describing political-military scenarios that
4 could possibly lead to an EMP attack against the
5 United States;

6 (3) evaluating the relative likelihood of an EMP
7 attack against the United States compared to other
8 threats involving nuclear weapons; and

9 (4) explaining what actions, if any, the Sec-
10 retary intends to take to implement the rec-
11 ommendations of the Commission and the Sec-
12 retary's reasons for doing so.

13 **SEC. 1404. POWERS.**

14 (a) HEARINGS.—The Commission or, at its direction,
15 any panel or member of the Commission, may, for the pur-
16 pose of carrying out the provisions of this title, hold hear-
17 ings, take testimony, receive evidence, and administer
18 oaths to the extent that the Commission or any panel or
19 member considers advisable.

20 (b) INFORMATION.—The Commission may secure di-
21 rectly from the Department of Defense, the Central Intel-
22 ligence Agency, and any other Federal department or
23 agency information that the Commission considers nec-
24 essary to enable the Commission to carry out its respon-
25 sibilities under this title.

1 **SEC. 1405. COMMISSION PROCEDURES.**

2 (a) MEETINGS.—The Commission shall meet at the
3 call of the Chairman.

4 (b) QUORUM.—(1) Five members of the Commission
5 shall constitute a quorum other than for the purpose of
6 holding hearings.

7 (2) The Commission shall act by resolution agreed
8 to by a majority of the members of the Commission.

9 (c) COMMISSION.—The Commission may establish
10 panels composed of less than full membership of the Com-
11 mission for the purpose of carrying out the Commission's
12 duties. The actions of each such panel shall be subject to
13 the review and control of the Commission. Any findings
14 and determinations made by such a panel shall not be con-
15 sidered the findings and determinations of the Commis-
16 sion unless approved by the Commission.

17 (d) AUTHORITY OF INDIVIDUALS TO ACT FOR COM-
18 MISSION.—Any agent or member of the Commission may,
19 if authorized by the Commission, take any action which
20 the Commission is authorized to take under this title.

21 **SEC. 1406. PERSONNEL MATTERS.**

22 (a) PAY OF MEMBERS.—Members of the Commission
23 shall serve without pay by reason of their work on the
24 Commission.

25 (b) TRAVEL EXPENSES.—The members of the Com-
26 mission shall be allowed travel expenses, including per

1 diem in lieu of subsistence, at rates authorized for employ-
2 ees of agencies under subchapter I of chapter 57 of title
3 5, United States Code, while away from their homes or
4 regular places of business in the performance of services
5 for the Commission.

6 (c) STAFF.—(1) The chairman of the Commission
7 may, without regard to the provisions of title 5, United
8 States Code, governing appointments in the competitive
9 service, appoint a staff director and such additional per-
10 sonnel as may be necessary to enable the Commission to
11 perform its duties. The appointment of a staff director
12 shall be subject to the approval of the Commission.

13 (2) The chairman of the Commission may fix the pay
14 of the staff director and other personnel without regard
15 to the provisions of chapter 51 and subchapter III of chap-
16 ter 53 of title 5, United States Code, relating to classifica-
17 tion of positions and General Schedule pay rates, except
18 that the rate of pay fixed under this paragraph for the
19 staff director may not exceed the rate payable for level
20 V of the Executive Schedule under section 5316 of such
21 title and the rate of pay for other personnel may not ex-
22 ceed the maximum rate payable for grade GS-15 of the
23 General Schedule.

24 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
25 request of the chairman of the Commission, the head of

1 any Federal department or agency may detail, on a non-
2 reimbursable basis, any personnel of that department or
3 agency to the Commission to assist it in carrying out its
4 duties.

5 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
6 **TENT SERVICES.**—The chairman of the Commission may
7 procure temporary and intermittent services under section
8 3109(b) of title 5, United States Code, at rates for individ-
9 uals which do not exceed the daily equivalent of the annual
10 rate of basic pay payable for level V of the Executive
11 Schedule under section 5316 of such title.

12 **SEC. 1407. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

13 (a) **POSTAL AND PRINTING SERVICES.**—The Com-
14 mission may use the United States mails and obtain print-
15 ing and binding services in the same manner and under
16 the same conditions as other departments and agencies of
17 the Federal Government.

18 (b) **MISCELLANEOUS ADMINISTRATIVE AND SUP-**
19 **PORT SERVICES.**—The Secretary of Defense shall furnish
20 the Commission, on a reimbursable basis, any administra-
21 tive and support services requested by the Commission.

22 **SEC. 1408. FUNDING.**

23 Funds for activities of the Commission shall be pro-
24 vided from amounts appropriated for the Department of
25 Defense for operation and maintenance for Defense-wide

1 activities for fiscal year 2001. Upon receipt of a written
 2 certification from the Chairman of the Commission speci-
 3 fying the funds required for the activities of the Commis-
 4 sion, the Secretary of Defense shall promptly disburse to
 5 the Commission, from such amounts, the funds required
 6 by the Commission as stated in such certification.

7 **SEC. 1409. TERMINATION OF THE COMMISSION.**

8 The Commission shall terminate 60 days after the
 9 date of the submission of its report under section 1403(a).

10 **TITLE XV—NAVY ACTIVITIES ON**
 11 **THE ISLAND OF VIEQUES,**
 12 **PUERTO RICO**

Sec. 1501. Assistance for economic growth on Vieques.

Sec. 1502. Conveyance of Naval Ammunition Support Detachment, Vieques Is-
 land.

Sec. 1503. Determination regarding continuation of Navy training.

Sec. 1504. Actions if training is approved.

Sec. 1505. Requirements if training is not approved or mandate for referendum
 is vitiated.

Sec. 1506. Certain properties exempt from conveyance or transfer.

Sec. 1507. Moratorium on improvements at Fort Buchanan.

Sec. 1508. Transfer and management of Conservation Zones.

13 **SEC. 1501. ASSISTANCE FOR ECONOMIC GROWTH ON**
 14 **VIEQUES.**

15 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
 16 authorized to be appropriated to the Secretary of Defense
 17 for fiscal year 2000, \$40,000,000 to be used to provide
 18 economic assistance for the people and communities of the
 19 island of Vieques, Puerto Rico, in accordance with the

1 terms and conditions of the Vieques supplemental appro-
 2 priation.

3 (b) TRANSFER AUTHORITY.—The Secretary of De-
 4 fense may transfer amounts of authorizations made avail-
 5 able to the Department of Defense in subsection (a) to
 6 any agency or office of the United States Government in
 7 order to implement the projects for which the Vieques sup-
 8 plemental appropriation is made available. The transfer
 9 authority under this section is in addition to any transfer
 10 authority provided in Public Law 106–65 or any other
 11 Act.

12 (c) NOTICE TO CONGRESS.— The advance notice re-
 13 quired by the Vieques supplemental appropriation of each
 14 proposed transfer shall also be submitted to the Com-
 15 mittee on Armed Services of the Senate and the Com-
 16 mittee on Armed Services of the House of Representatives.

17 (d) DEFINITION.—In this section, the term “Vieques
 18 supplemental appropriation” means the paragraph under
 19 the heading “OPERATION AND MAINTENANCE, DEFENSE-
 20 WIDE” in chapter 1 of title I of the Emergency Supple-
 21 mental Act, 2000 (division B of Public Law 106–246; 114
 22 Stat. 525).

23 **SEC. 1502. CONVEYANCE OF NAVAL AMMUNITION SUPPORT**
 24 **DETACHMENT, VIEQUES ISLAND.**

25 (a) CONVEYANCE REQUIRED.—

1 (1) PROPERTY TO BE CONVEYED.—The Sec-
2 retary of the Navy shall convey, without consider-
3 ation, to the Municipality of Vieques, Puerto Rico,
4 all right, title, and interest of the United States in
5 and to the land constituting the Naval Ammunition
6 Support Detachment located on the western end of
7 the island of Vieques, Puerto Rico, except for—

8 (A) the property that is exempt from con-
9 veyance under section 1506;

10 (B) the property that is required to be
11 transferred to the Secretary of the Interior
12 under section 1508(a); and

13 (C) any property that is conveyed pursuant
14 to section 1508(b).

15 (2) TIME FOR CONVEYANCE.—The Secretary of
16 the Navy shall complete the conveyance required by
17 paragraph (1) not later than May 1, 2001.

18 (b) DESCRIPTION OF PROPERTY.—The Secretary of
19 the Navy, in consultation with the Secretary of the Inte-
20 rior on issues relating to natural resource protection under
21 section 1508, shall determine the exact acreage and legal
22 description of the property required to be conveyed pursu-
23 ant to subsection (a), including the legal description of any
24 easements, rights of way, and other interests that are re-
25 tained pursuant to section 1506.

1 (c) ENVIRONMENTAL RESTORATION.—

2 (1) OBJECTIVE OF CONVEYANCE.—An impor-
3 tant objective of the conveyance required by this sec-
4 tion is to promote timely redevelopment of the con-
5 veyed property in a manner that enhances employ-
6 ment opportunities and economic redevelopment,
7 consistent with all applicable environmental require-
8 ments and in full consultation with the Governor of
9 Puerto Rico, for the benefit of the residents of the
10 island of Vieques.

11 (2) CONVEYANCE DESPITE RESPONSE NEED.—
12 If the Secretary of the Navy, by May 1, 2001, is un-
13 able to provide the covenant required by subpara-
14 graph (A)(ii)(I) of section 120(h)(3) of the Com-
15 prehensive Environmental Response, Compensation,
16 and Liability Act of 1980 (42 U.S.C. 9620(h)(3))
17 with respect to the property to be conveyed, the Sec-
18 retary shall still complete the conveyance by that
19 date, as required by subsection (a)(2). The Secretary
20 shall remain responsible for completing all response
21 actions required under such Act. Upon completion of
22 such response actions, the Secretary shall execute
23 and deliver to the transferee the warranty referred
24 to in subparagraph (C)(iii) of such section. The com-

1 pletion of the response actions shall not be delayed
2 on account of the conveyance.

3 (3) CONTINUED NAVY RESPONSIBILITY.—Con-
4 sistent with existing Navy and legal requirements,
5 the Secretary of the Navy shall remain responsible
6 for the environmental condition of the property, and
7 neither the Commonwealth of Puerto Rico nor the
8 Municipality of Vieques shall be responsible for such
9 condition existing at the time of the conveyance.

10 (4) SAVINGS CLAUSE.—All response actions
11 with respect to the property to be conveyed shall
12 take place in compliance with current law.

13 (d) CONTROL OF CONVEYED PROPERTY.—The gov-
14 ernment of the Municipality of Vieques, acting through the
15 elected officials of that government, shall have the power
16 to administer, manage, and control the property conveyed
17 under subsection (a) in any manner determined by the
18 government of the Municipality of Vieques as being most
19 advantageous to the majority of the residents of the island
20 of Vieques (consistent with the laws of the United States).

21 (e) INDEMNIFICATION.—

22 (1) ENTITIES AND PERSONS COVERED; EX-
23 TENT.—(A) Except as provided in subparagraph
24 (C), and subject to paragraph (2), the Secretary of
25 Defense shall hold harmless, defend, and indemnify

1 in full the persons and entities described in subpara-
2 graph (B) from and against any suit, claim, demand
3 or action, liability, judgment, cost or other fee arising
4 out of any claim for personal injury or property
5 damage (including death, illness, or loss of or damage
6 to property or economic loss) that results from,
7 or is in any manner predicated upon, the release or
8 threatened release (after the conveyance is made
9 under subsection (a)) of any hazardous substance or
10 pollutant or contaminant as a result of Department
11 of Defense activities at those parts of the Naval Am-
12 munition Support Detachment conveyed pursuant to
13 subsection (a).

14 (B) The persons and entities described in this
15 paragraph are the following:

16 (i) The Commonwealth of Puerto Rico (in-
17 cluding any officer, agent, or employee of the
18 Commonwealth of Puerto Rico).

19 (ii) The Municipality of Vieques, Puerto
20 Rico, and any other political subdivision of the
21 Commonwealth of Puerto Rico that acquires
22 such ownership or control (including any offi-
23 cer, agent, or employee of that Municipality or
24 other political subdivision).

1 (iii) Any other person or entity that ac-
2 quires such ownership or control.

3 (iv) Any successor, assignee, transferee,
4 lender, or lessee of a person or entity described
5 in clauses (i) through (iii).

6 (C) To the extent the persons and entities de-
7 scribed in subparagraph (B) contributed to any such
8 release or threatened release, subparagraph (A) shall
9 not apply.

10 (2) CONDITIONS ON INDEMNIFICATION.—No in-
11 demnification may be afforded under this subsection
12 unless the person or entity making a claim for
13 indemnification—

14 (A) notifies the Secretary of Defense in
15 writing within two years after such claim ac-
16 crues or begins action within six months after
17 the date of mailing, by certified or registered
18 mail, of notice of final denial of the claim by
19 the Secretary of Defense;

20 (B) furnishes to the Secretary of Defense
21 copies of pertinent papers the entity receives;

22 (C) furnishes evidence of proof of any
23 claim, loss, or damage covered by this sub-
24 section; and

1 (D) provides, upon request by the Sec-
2 retary of Defense, access to the records and
3 personnel of the entity for purposes of defend-
4 ing or settling the claim or action.

5 (3) RESPONSIBILITIES OF SECRETARY OF DE-
6 FENSE.—(A) In any case in which the Secretary of
7 Defense determines that the Department of Defense
8 may be required to make indemnification payments
9 to a person under this subsection for any suit, claim,
10 demand or action, liability, judgment, cost or other
11 fee arising out of any claim for personal injury or
12 property damage referred to in paragraph (1)(A),
13 the Secretary may settle or defend, on behalf of that
14 person, the claim for personal injury or property
15 damage.

16 (B) In any case described in subparagraph (A),
17 if the person to whom the Department of Defense
18 may be required to make indemnification payments
19 does not allow the Secretary of Defense to settle or
20 defend the claim, the person may not be afforded in-
21 demnification with respect to that claim under this
22 subsection.

23 (4) ACCRUAL OF ACTION.—For purposes of
24 paragraph (2)(A), the date on which a claim accrues
25 is the date on which the plaintiff knew (or reason-

ably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any part of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(5) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed as affecting or modifying in any way subsection 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(6) DEFINITIONS.—In this subsection, the terms “hazardous substance”, “release”, and “pollutant or contaminant” have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

**SEC. 1503. DETERMINATION REGARDING CONTINUATION
OF NAVY TRAINING.**

(a) REFERENDUM.—

(1) REQUIREMENT.—Except as provided in paragraph (2), the President shall provide for a ref-

1 erendum to be conducted on the island of Vieques,
2 Puerto Rico, to determine by a majority of the votes
3 cast in the referendum by the Vieques electorate
4 whether the people of Vieques approve or disapprove
5 of the continuation of the conduct of live-fire train-
6 ing, and any other types of training, by the Armed
7 Forces at the Navy's training sites on the island
8 under the conditions described in subsection (d).

9 (2) EXCEPTION.—If the Chief of Naval Oper-
10 ations and the Commandant of the Marine Corps
11 jointly submit to the congressional defense commit-
12 tees, after the date of the enactment of this Act and
13 before the date set forth in subsection (c), their cer-
14 tification that the Vieques Naval Training Range is
15 no longer needed for training by the Navy and the
16 Marine Corps, then the requirement for a ref-
17 erendum under paragraph (1) shall cease to be effec-
18 tive on the date on which the certification is sub-
19 mitted.

20 (b) PROHIBITION OF OTHER PROPOSITIONS.—In the
21 referendum under this section, no proposition or option
22 may be presented as an alternative to the propositions of
23 approval and of disapproval of the continuation of the con-
24 duct of training as described in subsection (a)(1).

1 (c) TIME FOR REFERENDUM.—The referendum re-
2 quired under this section shall be held on May 1, 2001,
3 or within 270 days before such date or 270 days after
4 such date. The Secretary of the Navy shall publicize the
5 date set for the referendum 90 days before that date.

6 (d) REQUIRED TRAINING CONDITIONS.—For the
7 purposes of the referendum under this section, the condi-
8 tions for the continuation of the conduct of training are
9 those that are proposed by the Secretary of the Navy and
10 publicized on the island of Vieques in connection with, and
11 for a reasonable period in advance of, the referendum. The
12 conditions shall include the following:

13 (1) LIVE-FIRE TRAINING.—A condition that the
14 training may include live-fire training.

15 (2) MAXIMUM ANNUAL DAYS OF USE.—A condi-
16 tion that the training may be conducted on not more
17 than 90 days each year.

18 (e) PROCLAMATION OF OUTCOME.—Promptly after
19 the referendum is completed under this section, the Presi-
20 dent shall determine, and issue a proclamation declaring,
21 the outcome of the referendum. The President's deter-
22 mination shall be final, and the outcome of the referendum
23 (as so determined) shall be binding.

24 (f) VIEQUES ELECTORATE DEFINED.—

1 (1) REGISTERED VOTERS.—In this section, the
2 term “Vieques electorate”, with respect to a ref-
3 erendum under this section, means the residents of
4 the island of Vieques, Puerto Rico, who, on both
5 dates specified in paragraph (2), are registered to
6 vote in a general election held for casting ballots for
7 the election of the Resident Commissioner of the
8 Commonwealth of Puerto Rico.

9 (2) REGISTRATION DATES.—The dates referred
10 to in paragraph (1) are as follows:

11 (A) November 7, 2000.

12 (B) The date that is 180 days before the
13 date of the referendum under this section.

14 **SEC. 1504. ACTIONS IF TRAINING IS APPROVED.**

15 (a) CONDITION FOR EFFECTIVENESS.—This section
16 shall take effect on the date on which the President issues
17 a proclamation under subsection (e) of section 1503 de-
18 claring that the continuation of the conduct of training
19 (including live-fire training) by the Armed Forces at the
20 Navy’s training sites on the island of Vieques, Puerto
21 Rico, under the conditions described in subsection (d) of
22 such section, has been approved in the referendum con-
23 ducted under such section.

24 (b) AUTHORIZATION OF APPROPRIATIONS FOR ADDI-
25 TIONAL ECONOMIC ASSISTANCE.—There is authorized to

1 be appropriated to the President \$50,000,000 to provide
2 economic assistance for the people and communities of the
3 island of Vieques. This authorization of appropriations is
4 in addition to the amount authorized to appropriated to
5 provide economic assistance under section 1501.

6 (c) TRAINING RANGE TO REMAIN OPEN.—The
7 Vieques Naval Training Range shall remain available for
8 the use of the Armed Forces, including for live-fire train-
9 ing.

10 **SEC. 1505. REQUIREMENTS IF TRAINING IS NOT APPROVED**
11 **OR MANDATE FOR REFERENDUM IS VITI-**
12 **ATED.**

13 (a) CONDITIONS FOR EFFECTIVENESS.—This section
14 shall take effect on the date on which either of the fol-
15 lowing occurs:

16 (1) The President issues a proclamation under
17 subsection (e) of section 1503 declaring that the
18 continuation of the conduct of training (including
19 live-fire training) by the Armed Forces at the Navy's
20 training sites on the island of Vieques, Puerto Rico,
21 under the conditions described in subsection (d) of
22 such section, has not been approved in the ref-
23 erendum conducted under such section.

1 (2) The requirement for a referendum under
2 section 1503 ceases to be effective pursuant to sub-
3 section (a)(2) of such section.

4 (b) ACTIONS REQUIRED OF SECRETARY OF DE-
5 FENSE.—

6 (1) TERMINATION OF OPERATION.—Not later
7 than May 1, 2003, the Secretary of Defense shall—

8 (A) terminate all Navy and Marine Corps
9 training operations on the island of Vieques;
10 and

11 (B) terminate all Navy and Marine Corps
12 operations at Naval Station Roosevelt Roads,
13 Puerto Rico, that are related exclusively to the
14 use of the training range on the island of
15 Vieques by the Navy and the Marine Corps.

16 (2) RELOCATION OF UNITS.—The Secretary of
17 Defense may relocate the units of the Armed Forces
18 (other than those of the reserve components) and ac-
19 tivities of the Department of Defense (including
20 nonappropriated fund activities) at Fort Buchanan,
21 Puerto Rico, to Naval Station Roosevelt Roads,
22 Puerto Rico, to ensure maximum utilization of ca-
23 pacity.

24 (3) CLOSURE OF INSTALLATIONS AND FACILI-
25 TIES.—The Secretary of Defense shall close the De-

1 partment of Defense installations and facilities on
2 the island of Vieques, other than properties exempt
3 from conveyance and transfer under section 1506.

4 (c) ACTIONS REQUIRED OF SECRETARY OF THE
5 NAVY.—The Secretary of the Navy shall transfer, without
6 reimbursement, to the administrative jurisdiction of the
7 Secretary of the Interior—

8 (1) the Live Impact Area on the island of
9 Vieques;

10 (2) all Department of Defense real properties
11 on the eastern side of the island that are identified
12 as conservation zones; and

13 (3) all other Department of Defense real prop-
14 erties on the eastern side of the island.

15 (d) ACTIONS REQUIRED OF SECRETARY OF THE IN-
16 TERIOR.—

17 (1) RETENTION AND ADMINISTRATION.—The
18 Secretary of the Interior shall retain, and may not
19 dispose of any of, the properties transferred under
20 paragraphs (2) and (3) of subsection (c) and shall
21 administer such properties as wildlife refuges under
22 the National Wildlife Refuge System Administration
23 Act of 1966 (16 U.S.C. 668dd et seq.) pending the
24 enactment of a law that addresses the disposition of
25 such properties.

1 (2) RESPONSIBILITY FOR LIVE IMPACT
2 AREA.—Upon a termination of Navy and Marine
3 Corps training operations on the island of Vieques
4 under subsection (b)(1), the Secretary of the Inte-
5 rior shall assume responsibility for the administra-
6 tion of the Live Impact Area, administer that area
7 as a wilderness area under the Wilderness Act (16
8 U.S.C. 1131 et seq.), and deny public access to the
9 area.

10 (3) LIVE IMPACT AREA DEFINED.—In this sec-
11 tion, the term “Live Impact Area” means the parcel
12 of real property, consisting of approximately 900
13 acres (more or less), on the island of Vieques that
14 is designated by the Secretary of the Navy for tar-
15 geting by live ordnance in the training of forces of
16 the Navy and Marine Corps.

17 (e) GAO REVIEW.—

18 (1) REQUIREMENT FOR REVIEW.—The Comp-
19 troller General shall review the requirement for the
20 continued use of Fort Buchanan, Puerto Rico, by
21 active Army forces and shall submit to the congres-
22 sional defense committees a report containing—

23 (A) the findings resulting from the review;
24 and

1 (B) recommendations regarding the closure
2 of Fort Buchanan and the consolidation of
3 units of the Armed Forces to Naval Station
4 Roosevelt Roads, Puerto Rico.

5 (2) TIME FOR SUBMITTAL OF REPORT.—The
6 Comptroller General shall submit the report under
7 paragraph (1) not later than one year after the date
8 on which the referendum under section 1503 is con-
9 ducted or one year after the date on which a certifi-
10 cation is submitted to the congressional defense
11 committees under subsection (a)(2) of such section,
12 as the case may be.

13 **SEC. 1506. CERTAIN PROPERTIES EXEMPT FROM CONVEY-**
14 **ANCE OR TRANSFER.**

15 (a) EXEMPT PROPERTY.—The Department of De-
16 fense properties and property interests described in sub-
17 section (b) may not be conveyed or transferred out of the
18 Department of Defense under this title.

19 (b) PROPERTIES DESCRIBED.—The exemption under
20 subsection (a) applies to the following Department of De-
21 fense properties and property interests on the island of
22 Vieques, Puerto Rico:

23 (1) ROTHRSITE.—The site for relocatable
24 over-the-horizon radar.

1 (2) TELECOMMUNICATIONS SITES.—The Mount
2 Pirata telecommunications sites.

3 (3) ASSOCIATED INTERESTS.—Any easements,
4 rights-of-way, and other interests in property that
5 the Secretary of the Navy determines necessary
6 for—

7 (A) ensuring access to the properties re-
8 ferred to in paragraphs (1) and (2);

9 (B) providing utilities for such properties;

10 (C) ensuring the security of such prop-
11 erties; and

12 (D) ensuring effective maintenance and op-
13 erations on such properties.

14 (4) REMEDIATION ACTIVITIES.—Any ease-
15 ments, rights-of-way, and other interests in property
16 that the Secretary of the Navy determines necessary
17 for protecting human health and the environment in
18 the discharge of the Secretary's responsibilities for
19 environmental remediation under section 1502(c),
20 until such time as these responsibilities are com-
21 pleted.

22 **SEC. 1507. MORATORIUM ON IMPROVEMENTS AT FORT BU-**
23 **CHANAN.**

24 (a) IN GENERAL.—Except as provided in subsection

25 (b), no acquisition, construction, conversion, rehabilita-

1 tion, extension, or improvement of any facility at Fort Bu-
2 chanan, Puerto Rico, may be initiated or continued on or
3 after the date of the enactment of this Act.

4 (b) EXCEPTIONS.—The prohibition in subsection (a)
5 does not apply to the following:

6 (1) Actions necessary to maintain the existing
7 facilities (including utilities) at Fort Buchanan.

8 (2) The construction of reserve component and
9 nonappropriated fund facilities authorized before the
10 date of the enactment of this Act.

11 (c) TERMINATION.—This section shall cease to be ef-
12 fective upon the issuance of a proclamation described in
13 section 1504(a) or the enactment of a law, after the date
14 of the enactment of this Act, that authorizes any acquisi-
15 tion, construction, conversion, rehabilitation, extension, or
16 improvement of any facility at Fort Buchanan, Puerto
17 Rico.

18 **SEC. 1508. TRANSFER AND MANAGEMENT OF CONSERVA-**
19 **TION ZONES.**

20 (a) TRANSFER TO SECRETARY OF THE INTERIOR.—

21 (1) TRANSFER REQUIRED.—Except as provided
22 in section 1506, the Secretary of the Navy shall
23 transfer, without reimbursement, to the administra-
24 tive jurisdiction of the Secretary of the Interior all
25 Department of Defense real properties on the west-

1 ern end of the Vieques Island, consisting of a total
2 of approximately 3,100 acres, that are designated as
3 Conservation Zones in section IV of the 1983 Memo-
4 randum of Understanding between the Common-
5 wealth of Puerto Rico and the Secretary of the
6 Navy.

7 (2) TIME FOR TRANSFER.—The Secretary of
8 the Navy shall complete the transfer required by
9 paragraph (1) not later than May 1, 2001.

10 (b) CONVEYANCE TO CONSERVATION TRUST.—

11 (1) CONVEYANCE REQUIRED.—Except as pro-
12 vided in section 1506 and subject to paragraph (2),
13 the Secretary of the Navy shall convey, without con-
14 sideration, to the Puerto Rico Conservation Trust
15 the additional Conservation Zones, consisting of a
16 total of approximately 800 acres, identified in Alter-
17 native 1 in the Draft Environmental Assessment for
18 the proposed transfer of Naval Ammunition Support
19 Detachment property, Vieques, Puerto Rico, pre-
20 pared by the Department of the Navy, as described
21 in the Federal Register of August 28, 2000 (65 Fed.
22 Reg. 52100).

23 (2) TIME FOR CONVEYANCE.—The Secretary of
24 the Navy shall complete the conveyance required by
25 paragraph (1) not later than May 1, 2001, except

1 that paragraph (1) shall apply only to those portions
2 of the lands described in such paragraph that the
3 Commonwealth of Puerto Rico, the Secretary of the
4 Interior, and the Puerto Rico Conservation Trust
5 mutually agree, before that date, to—

6 (A) include in the cooperative agreement
7 under subsection (d)(2); and

8 (B) manage under standards consistent
9 with the standards in subsection (c) applicable
10 to the lands transferred under subsection (a).

11 (c) ADMINISTRATION OF PROPERTIES AS WILDLIFE
12 REFUGES.—The Secretary of the Interior shall administer
13 as wildlife refuges under the National Wildlife Refuge Sys-
14 tem Administration Act of 1966 (16 U.S.C. 668dd et seq.)
15 the Conservation Zones transferred to the Secretary under
16 subsection (a).

17 (d) COOPERATIVE AGREEMENT.—

18 (1) REQUIRED; PARTIES.—The Secretary of the
19 Interior shall manage the Conservation Zones trans-
20 ferred under subsection (a) pursuant to a coopera-
21 tive agreement among the Commonwealth of Puerto
22 Rico, the Puerto Rico Conservation Trust, and the
23 Secretary of the Interior.

24 (2) INCLUSION OF ADJACENT AREAS.—Areas
25 adjacent to the Conservation Zones transferred

1 under subsection (a) shall be considered for inclusion
2 under the cooperative agreement. Subject to the mu-
3 tual agreement of the Commonwealth of Puerto
4 Rico, the Secretary of the Interior, and the Puerto
5 Rico Conservation Trust, such adjacent areas may
6 be included under the cooperative agreement, except
7 that the total acreage so included under this para-
8 graph may not exceed 800 acres. This determination
9 of inclusion of lands shall be incorporated into the
10 cooperative agreement process as set forth in para-
11 graph (4).

12 (3) SEA GRASS AREA.—The Sea Grass Area
13 west of Mosquito Pier, as identified in the 1983
14 Memorandum of Understanding between the Com-
15 monwealth of Puerto Rico and the Secretary of the
16 Navy, shall be included in the cooperative agreement
17 to be protected under the laws of the United States
18 and the laws of the Commonwealth of Puerto Rico.

19 (4) MANAGEMENT PURPOSES.—All lands cov-
20 ered by the cooperative agreement shall be managed
21 to protect and preserve the natural resources of the
22 lands in perpetuity. The Commonwealth of Puerto
23 Rico, the Puerto Rico Conservation Trust, and the
24 Secretary of the Interior shall follow all applicable
25 Federal environmental laws during the creation and

1 any subsequent amendment of the cooperative agree-
 2 ment, including the National Environmental Policy
 3 Act of 1969 (42 U.S.C. 4321 et seq.), the Endan-
 4 gered Species Act of 1973 (16 U.S.C. 1531 et seq.),
 5 and the National Historic Preservation Act (16
 6 U.S.C. 470 et seq.).

7 (5) COMPLETION AND IMPLEMENTATION.—The
 8 cooperative agreement shall be completed not later
 9 than May 1, 2001. The Secretary of the Interior
 10 shall implement the terms and conditions of the co-
 11 operative agreement, which can only be amended by
 12 agreement of the Commonwealth of Puerto Rico, the
 13 Puerto Rico Conservation Trust, and the Secretary
 14 of the Interior.

15 **TITLE XVI—GI BILL EDUCATIONAL ASSISTANCE AND**
 16 **VETERANS CLAIMS ASSISTANCE**
 17 **ANCE**
 18

Subtitle A—Veterans Education Benefits

Sec. 1601. Additional opportunity for certain VEAP participants to enroll in
 basic educational assistance under Montgomery GI Bill.

Sec. 1602. Modification of authority to pay tuition for off-duty training and
 education.

Subtitle B—Veterans Claims Assistance

Sec. 1611. Clarification of Department of Veterans Affairs duty to assist.

1 **Subtitle A—Veterans Education**
2 **Benefits**

3 **SEC. 1601. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP**
4 **PARTICIPANTS TO ENROLL IN BASIC EDU-**
5 **CATIONAL ASSISTANCE UNDER MONT-**
6 **GOMERY GI BILL.**

7 (a) SPECIAL ENROLLMENT PERIOD.—Section 3018C
8 of title 38, United States Code, is amended by adding at
9 the end the following new subsection:

10 “(e)(1) A qualified individual (described in paragraph
11 (2)) may make an irrevocable election under this sub-
12 section, during the one-year period beginning on the date
13 of the enactment of this subsection, to become entitled to
14 basic educational assistance under this chapter. Such an
15 election shall be made in the same manner as elections
16 made under subsection (a)(5).

17 “(2) A qualified individual referred to in paragraph
18 (1) is an individual who meets each of the following re-
19 quirements:

20 “(A) The individual was a participant in the
21 educational benefits program under chapter 32 of
22 this title on or before October 9, 1996.

23 “(B) The individual has continuously served on
24 active duty since October 9, 1996 (excluding the pe-

1 riods referred to in section 3202(1)(C) of this title),
2 through at least April, 1, 2000.

3 “(C) The individual meets the requirements of
4 subsection (a)(3).

5 “(D) The individual, when discharged or re-
6 leased from active duty, is discharged or released
7 therefrom with an honorable discharge.

8 “(3)(A) Subject to the succeeding provisions of this
9 paragraph, with respect to a qualified individual who
10 makes an election under paragraph (1) to become entitled
11 to basic education assistance under this chapter—

12 “(i) the basic pay of the qualified individual
13 shall be reduced (in a manner determined by the
14 Secretary concerned) until the total amount by
15 which such basic pay is reduced is \$2,700; and

16 “(ii) to the extent that basic pay is not so re-
17 duced before the qualified individual’s discharge or
18 release from active duty as specified in subsection
19 (a)(4), at the election of the qualified individual—

20 “(I) the Secretary concerned shall collect
21 from the qualified individual, or

22 “(II) the Secretary concerned shall reduce
23 the retired or retainer pay of the qualified indi-
24 vidual by,

1 an amount equal to the difference between \$2,700
2 and the total amount of reductions under clause (i),
3 which shall be paid into the Treasury of the United
4 States as miscellaneous receipts.

5 “(B)(i) The Secretary concerned shall provide for an
6 18-month period, beginning on the date the qualified indi-
7 vidual makes an election under paragraph (1), for the
8 qualified individual to pay that Secretary the amount due
9 under subparagraph (A).

10 “(ii) Nothing in clause (i) shall be construed as modi-
11 fying the period of eligibility for and entitlement to basic
12 education assistance under this chapter applicable under
13 section 3031 of this title.

14 “(C) The provisions of subsection (c) shall apply to
15 individuals making elections under this subsection in the
16 same manner as they applied to individuals making elec-
17 tions under subsection (a)(5).

18 “(4) With respect to qualified individuals referred to
19 in paragraph (3)(A)(ii), no amount of educational assist-
20 ance allowance under this chapter shall be paid to the
21 qualified individual until the earlier of the date on which—

22 “(A) the Secretary concerned collects the appli-
23 cable amount under subparagraph (I) of such para-
24 graph, or

1 “(B) the retired or retainer pay of the qualified
2 individual is first reduced under subparagraph (II)
3 of such paragraph.

4 “(5) The Secretary, in conjunction with the Secretary
5 of Defense, shall provide for notice to participants in the
6 educational benefits program under chapter 32 of this title
7 of the opportunity under this section to elect to become
8 entitled to basic educational assistance under this chap-
9 ter.”.

10 (b) CONFORMING AMENDMENT.—Section 3018C(b)
11 of such title is amended by striking “subsection (a)” and
12 inserting “subsection (a) or (e)”.

13 **SEC. 1602. MODIFICATION OF AUTHORITY TO PAY TUITION**
14 **FOR OFF-DUTY TRAINING AND EDUCATION.**

15 (a) AUTHORITY TO PAY ALL CHARGES.—Section
16 2007 of title 10, United States Code, is amended—

17 (1) by striking subsections (a) and (b) and in-
18 serting the following new subsections:

19 “(a) Subject to subsection (b), the Secretary of a
20 military department may pay all or a portion of the
21 charges of an educational institution for the tuition or ex-
22 penses of a member of the armed forces enrolled in such
23 educational institution for education or training during
24 the member’s off-duty periods.

1 “(b) In the case of a commissioned officer on active
 2 duty, the Secretary of the military department concerned
 3 may not pay charges under subsection (a) unless the offi-
 4 cer agrees to remain on active duty for a period of at least
 5 two years after the completion of the training or education
 6 for which the charges are paid.”; and

7 (2) in subsection (d)—

8 (A) by striking “(within the limits set forth
 9 in subsection (a))” in the matter preceding
 10 paragraph (1); and

11 (B) in paragraph (3), by striking “sub-
 12 section (a)(3)” and inserting “subsection (b)”.

13 (b) USE OF ENTITLEMENT TO ASSISTANCE UNDER
 14 MONTGOMERY GI BILL FOR PAYMENT OF CHARGES.—(1)
 15 That section is further amended by adding at the end the
 16 following new subsection:

17 “(e)(1) A member of the armed forces who is entitled
 18 to basic educational assistance under chapter 30 of title
 19 38 may use such entitlement for purposes of paying any
 20 portion of the charges described in subsection (a) or (c)
 21 that are not paid for by the Secretary of the military de-
 22 partment concerned under such subsection.

23 “(2) The use of entitlement under paragraph (1)
 24 shall be governed by the provisions of section 3014(b) of
 25 title 38.”.

1 (2) Section 3014 of title 38, United States Code, is
2 amended—

3 (A) by inserting “(a)” before “The Secretary”;
4 and

5 (B) by adding at the end the following new sub-
6 section:

7 “(b)(1) In the case of an individual entitled to basic
8 educational assistance who is pursuing education or train-
9 ing described in subsection (a) or (c) of section 2007 of
10 title 10, the Secretary shall, at the election of the indi-
11 vidual, pay the individual a basic educational assistance
12 allowance to meet all or a portion of the charges of the
13 educational institution for the education or training that
14 are not paid by the Secretary of the military department
15 concerned under such subsection.

16 “(2)(A) The amount of the basic educational assist-
17 ance allowance payable to an individual under this sub-
18 section for a month shall be the amount of the basic edu-
19 cational assistance allowance to which the individual would
20 be entitled for the month under section 3015 of this title
21 (without regard to subsection (g) of that section) were
22 payment made under that section instead of under this
23 subsection.

1 “(B) The maximum number of months for which an
2 individual may be paid a basic educational assistance al-
3 lowance under paragraph (1) is 36.”.

4 (3) Section 3015 of title 38, United States Code, is
5 amended—

6 (A) by striking “subsection (g)” each place it
7 appears in subsections (a) and (b);

8 (B) by redesignating subsection (g) as sub-
9 section (h); and

10 (C) by inserting after subsection (f) the fol-
11 lowing new subsection (g):

12 “(g) In the case of an individual who has been paid
13 a basic educational assistance allowance under section
14 3014(b) of this title, the rate of the basic educational as-
15 sistance allowance applicable to the individual under this
16 section shall be the rate otherwise applicable to the indi-
17 vidual under this section reduced by an amount equal to—

18 “(1) the aggregate amount of such allowances
19 paid the individual under such section 3014(b); di-
20 vided by

21 “(2) 36.”.

1 **Subtitle B—Veterans Claims**
2 **Assistance**

3 **SEC. 1611. CLARIFICATION OF DEPARTMENT OF VETERANS**
4 **AFFAIRS DUTY TO ASSIST.**

5 (a) IN GENERAL.—Section 5107 of title 38, United
6 States Code, is amended to read as follows:

7 **“§ 5107 Assistance to claimants; benefit of the doubt;**
8 **burden of proof**

9 “(a) The Secretary shall assist a claimant in devel-
10 oping all facts pertinent to a claim for benefits under this
11 title. Such assistance shall include requesting information
12 as described in section 5106 of this title. The Secretary
13 shall provide a medical examination when such examina-
14 tion may substantiate entitlement to the benefits sought.
15 The Secretary may decide a claim without providing as-
16 sistance under this subsection when no reasonable possi-
17 bility exists that such assistance will aid in the establish-
18 ment of entitlement.

19 “(b) The Secretary shall consider all evidence and
20 material of record in a case before the Department with
21 respect to benefits under laws administered by the Sec-
22 retary and shall give the claimant the benefit of the doubt
23 when there is an approximate balance of positive and neg-
24 ative evidence regarding any issue material to the deter-
25 mination of the matter.

1 “(c) Except when otherwise provided by this title or
 2 by the Secretary in accordance with the provisions of this
 3 title, a person who submits a claim for benefits under a
 4 law administered by the Secretary shall have the burden
 5 of proof.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 at the beginning of chapter 51 of that title is amended
 8 by striking the item relating to section 5017 and inserting
 9 the following new item:

“5107 Assistance to claimants; benefit of the doubt; burden of proof.”.

10 **TITLE XVII—ASSISTANCE TO** 11 **FIREFIGHTERS**

Sec. 1701. Firefighter assistance.

Sec. 1702. Volunteer fire assistance program.

Sec. 1703. Burn research.

Sec. 1704. Study and demonstration projects regarding cases of hepatitis C
 among certain emergency response employees.

Sec. 1705. Report on progress on spectrum sharing.

Sec. 1706. Sale or donation of excess defense property to assist firefighting
 agencies.

Sec. 1707. Identification of defense technologies suitable for use, or conversion
 for use, in providing fire and emergency medical services.

12 **SEC. 1701. FIREFIGHTER ASSISTANCE.**

13 (a) IN GENERAL.—The Federal Fire Prevention and
 14 Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended
 15 by adding at the end the following new section:

16 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

17 “(a) DEFINITION OF FIREFIGHTING PERSONNEL.—
 18 In this section, the term ‘firefighting personnel’ means in-
 19 dividuals, including volunteers, who are firefighters, offi-

1 cers of fire departments, or emergency medical service per-
2 sonnel of fire departments.

3 “(b) ASSISTANCE PROGRAM.—

4 “(1) AUTHORITY.—In accordance with this sec-
5 tion, the Director may—

6 “(A) make grants on a competitive basis
7 directly to fire departments of a State, in con-
8 sultation with the chief executive of the State,
9 for the purpose of protecting the health and
10 safety of the public and firefighting personnel
11 against fire and fire-related hazards; and

12 “(B) provide assistance for fire prevention
13 programs in accordance with paragraph (4).

14 “(2) OFFICE FOR ADMINISTRATION OF ASSIST-
15 ANCE.—

16 “(A) ESTABLISHMENT.—Before providing
17 assistance under paragraph (1), the Director
18 shall establish an office in the Federal Emer-
19 gency Management Agency to administer the
20 assistance under this section.

21 “(B) INCLUDED DUTIES.—The duties of
22 the office shall include the following:

23 “(i) RECIPIENT SELECTION CRI-
24 TERIA.—To establish specific criteria for

1 the selection of recipients of the assistance
2 under this section.

3 “(ii) GRANT-WRITING ASSISTANCE.—

4 To provide grant-writing assistance to ap-
5 plicants.

6 “(3) USE OF FIRE DEPARTMENT GRANT
7 FUNDS.—The Director may make a grant under
8 paragraph (1)(A) only if the applicant for the grant
9 agrees to use the grant funds—

10 “(A) to hire additional firefighting per-
11 sonnel;

12 “(B) to train firefighting personnel in fire-
13 fighting, emergency response, arson prevention
14 and detection, or the handling of hazardous ma-
15 terials, or to train firefighting personnel to pro-
16 vide any of the training described in this sub-
17 paragraph;

18 “(C) to fund the creation of rapid interven-
19 tion teams to protect firefighting personnel at
20 the scenes of fires and other emergencies;

21 “(D) to certify fire inspectors;

22 “(E) to establish wellness and fitness pro-
23 grams for firefighting personnel to ensure that
24 the firefighting personnel can carry out their
25 duties;

1 “(F) to fund emergency medical services
2 provided by fire departments;

3 “(G) to acquire additional firefighting vehi-
4 cles, including fire trucks;

5 “(H) to acquire additional firefighting
6 equipment, including equipment for communica-
7 tions and monitoring;

8 “(I) to acquire personal protective equip-
9 ment required for firefighting personnel by the
10 Occupational Safety and Health Administra-
11 tion, and other personal protective equipment
12 for firefighting personnel;

13 “(J) to modify fire stations, fire training
14 facilities, and other facilities to protect the
15 health and safety of firefighting personnel;

16 “(K) to enforce fire codes;

17 “(L) to fund fire prevention programs;

18 “(M) to educate the public about arson
19 prevention and detection; or

20 “(N) to provide incentives for the recruit-
21 ment and retention of volunteer firefighting
22 personnel for volunteer firefighting departments
23 and other firefighting departments that utilize
24 volunteers.

25 “(4) FIRE PREVENTION PROGRAMS.—

1 “(A) IN GENERAL.—For each fiscal year,
2 the Director shall use not less than 5 percent
3 of the funds made available under subsection
4 (e)—

5 “(i) to make grants to fire depart-
6 ments for the purpose described in para-
7 graph (3)(L); and

8 “(ii) to make grants to, or enter into
9 contracts or cooperative agreements with,
10 national, State, local, or community orga-
11 nizations that are recognized for their ex-
12 perience and expertise with respect to fire
13 prevention or fire safety programs and ac-
14 tivities, for the purpose of carrying out fire
15 prevention programs.

16 “(B) PRIORITY.—In selecting organiza-
17 tions described in subparagraph (A)(ii) to re-
18 ceive assistance under this paragraph, the Di-
19 rector shall give priority to organizations that
20 focus on prevention of injuries to children from
21 fire.

22 “(5) APPLICATION.—The Director may provide
23 assistance to a fire department or organization
24 under this subsection only if the fire department or
25 organization seeking the assistance submits to the

1 Director an application that meets the following re-
2 quirements:

3 “(A) FORM.—The application shall be in
4 such form as the Director may require.

5 “(B) INFORMATION.—The application shall
6 include the following information:

7 “(i) FINANCIAL NEED.—Information
8 that demonstrates the financial need of the
9 applicant for the assistance for which ap-
10 plied.

11 “(ii) COST-BENEFIT ANALYSIS.—An
12 analysis of the costs and benefits, with re-
13 spect to public safety, of the use of the as-
14 sistance.

15 “(iii) REPORTING SYSTEMS DATA.—
16 An agreement to provide information to
17 the national fire incident reporting system
18 for the period covered by the assistance.

19 “(iv) OTHER INFORMATION.—Any
20 other information that the Director may
21 require.

22 “(6) MATCHING REQUIREMENT.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B), the Director may provide assistance
25 under this subsection only if the applicant for

1 the assistance agrees to match with an equal
2 amount of non-Federal funds 30 percent of the
3 assistance received under this subsection for
4 any fiscal year.

5 “(B) REQUIREMENT FOR SMALL COMMU-
6 NITY ORGANIZATIONS.—In the case of an appli-
7 cant whose personnel serve jurisdictions of
8 50,000 or fewer residents, the percent applied
9 under the matching requirement of subpara-
10 graph (A) shall be 10 percent.

11 “(7) MAINTENANCE OF EXPENDITURES—The
12 Director may provide assistance under this sub-
13 section only if the applicant for the assistance agrees
14 to maintain in the fiscal year for which the assist-
15 ance will be received the applicant’s aggregate ex-
16 penditures for the uses described in paragraph (3)
17 or (4) at or above the average level of such expendi-
18 tures in the two fiscal years preceding the fiscal year
19 for which the assistance will be received.

20 “(8) REPORT TO THE DIRECTOR.—The Direc-
21 tor may provide assistance under this subsection
22 only if the applicant for the assistance agrees to sub-
23 mit to the Director a report, including a description
24 of how the assistance was used, with respect to each
25 fiscal year for which the assistance was received.

1 “(9) VARIETY OF FIRE DEPARTMENT GRANT
2 RECIPIENTS.—The Director shall ensure that grants
3 under paragraph (1)(A) for a fiscal year are made
4 to a variety of fire departments, including, to the ex-
5 tent that there are eligible applicants—

6 “(A) paid, volunteer, and combination fire
7 departments;

8 “(B) fire departments located in commu-
9 nities of varying sizes; and

10 “(C) fire departments located in urban,
11 suburban, and rural communities.

12 “(10) GRANT LIMITATIONS.—

13 “(A) RECIPIENT LIMITATION.—A grant re-
14 cipient under this section may not receive more
15 than \$750,000 under this section for any fiscal
16 year.

17 “(B) LIMITATION ON EXPENDITURES FOR
18 FIREFIGHTING VEHICLES.—Not more than 25
19 percent of the funds appropriated to provide
20 grants under this section for a fiscal year may
21 be used to assist grant recipients to purchase
22 vehicles, as authorized by paragraph (3)(G).

23 “(11) RESERVATION OF GRANT FUNDS FOR
24 VOLUNTEER DEPARTMENTS.—In making grants to
25 firefighting departments, the Director shall ensure

1 that those firefighting departments that have either
2 all-volunteer forces of firefighting personnel or com-
3 bined forces of volunteer and professional fire-
4 fighting personnel receive a proportion of the total
5 grant funding that is not less than the proportion of
6 the United States population that those firefighting
7 departments protect.

8 “(c) AUDITS.—A recipient of a grant under this sec-
9 tion shall be subject to audits to ensure that the grant
10 proceeds are expended for the intended purposes and that
11 the grant recipient complies with the requirements of
12 paragraphs (6) and (7) of subsection (b).

13 “(d) STATE DEFINED.—In this section, the term
14 ‘State’ includes the District of Columbia and the Common-
15 wealth of Puerto Rico.

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated for the purposes of this
18 section amounts as follows:

19 “(1) \$100,000,000 for fiscal year 2001.

20 “(2) \$300,000,000 for fiscal year 2002.”.

21 (b) STUDY ON NEED FOR FEDERAL ASSISTANCE TO
22 STATE AND LOCAL COMMUNITIES TO FUND FIRE-
23 FIGHTING AND EMERGENCY RESPONSE ACTIVITIES.—

24 (1) REQUIREMENT FOR STUDY.—The Director
25 of the Federal Emergency Management Agency shall

1 conduct a study in conjunction with the National
2 Fire Protection Association to—

3 (A) define the current role and activities
4 associated with the fire services;

5 (B) determine the adequacy of current lev-
6 els of funding; and

7 (C) provide a needs assessment to identify
8 shortfalls.

9 (2) TIME FOR COMPLETION OF STUDY; RE-
10 PORT.—The Director shall complete the study under
11 paragraph (1), and submit a report on the results of
12 the study to Congress, within 18 months after the
13 date of the enactment of this Act.

14 (3) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated to the Fed-
16 eral Emergency Management Agency \$300,000 for
17 fiscal year 2001 to carry out the study required by
18 paragraph (1).

19 **SEC. 1702. VOLUNTEER FIRE ASSISTANCE PROGRAM.**

20 (a) IN GENERAL.—There are authorized to be appro-
21 priated to the Secretary of Agriculture for carrying out
22 paragraphs (1) through (3) of section 10(b) of the Cooper-
23 ative Forestry Assistance Act of 1978 (16 U.S.C.
24 2106(b)(1)-(3)) amounts as follows:

25 (1) \$10,000,000 for fiscal year 2001.

1 (2) \$20,000,000 for fiscal year 2002.

2 (b) REPORT.—

3 (1) IN GENERAL.—The Secretary of Agriculture
4 shall submit a report to Congress on the results of
5 the assistance provided under the provisions of law
6 for which funds are authorized for appropriations
7 under subsection (a).

8 (2) CONTENT.—The report shall contain the
9 following:

10 (A) A list of the organizations that re-
11 ceived funds authorized for appropriations
12 under subsection (a) and the purpose for which
13 those organizations were provided the funds.

14 (B) Efforts taken to ensure that potential
15 recipients are provided with information nec-
16 essary to develop an effective application.

17 (C) The Secretary's assessment regarding
18 the appropriate level of funding that should be
19 provided annually through the assistance pro-
20 gram.

21 (D) The Secretary's assessment regarding
22 the appropriate purposes for such assistance.

23 (E) Any other information the Secretary
24 determines necessary.

1 (3) SUBMISSION DATE.—The report shall be
2 submitted not later than February 1, 2002.

3 **SEC. 1703. BURN RESEARCH.**

4 (a) OFFICE.—The Director of the Federal Emer-
5 gency Management Agency shall establish an office in the
6 Agency to establish specific criteria of grant recipients and
7 to administer grants under this section.

8 (b) SAFETY ORGANIZATION GRANTS.—The Director
9 may make grants, on a competitive basis, to safety organi-
10 zations that have experience in conducting burn safety
11 programs for the purpose of assisting those organizations
12 in conducting burn prevention programs or augmenting
13 existing burn prevention programs.

14 (c) HOSPITAL GRANTS.—The Director may make
15 grants, on a competitive basis, to hospitals that serve as
16 regional burn centers to conduct acute burn care research.

17 (d) OTHER GRANTS.—The Director may make
18 grants, on a competitive basis, to governmental and non-
19 governmental entities to provide after-burn treatment and
20 counseling to individuals that are burn victims.

21 (e) REPORT.—

22 (1) IN GENERAL.—The Director of the Federal
23 Emergency Management Agency shall submit a re-
24 port to the Committee on Commerce, Science, and
25 Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of
2 Representatives on the results of the grants provided
3 under this section.

4 (2) CONTENT.—The report shall contain the
5 following:

6 (A) A list of the organizations, hospitals,
7 or other entities to which the grants were pro-
8 vided and the purpose for which those entities
9 were provided grants.

10 (B) Efforts taken to ensure that potential
11 grant applicants are provided with information
12 necessary to develop an effective application.

13 (C) The Director's assessment regarding
14 the appropriate level of funding that should be
15 provided annually through the grant program.

16 (D) The Director's assessment regarding
17 the appropriate purposes for such grants.

18 (E) Any other information the Director de-
19 termines necessary.

20 (3) SUBMISSION DATE.—The report shall be
21 submitted not later than February 1, 2002.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated for the purposes of this
24 section amounts as follows:

25 (1) \$10,000,000 for fiscal year 2001.

1 (2) \$20,000,000 for fiscal year 2002.

2 **SEC. 1704. STUDY AND DEMONSTRATION PROJECTS RE-**
3 **GARDING CASES OF HEPATITIS C AMONG**
4 **CERTAIN EMERGENCY RESPONSE EMPLOY-**
5 **EES.**

6 (a) STUDY REGARDING PREVALENCE AMONG CER-
7 TAIN EMERGENCY RESPONSE EMPLOYEES.—

8 (1) IN GENERAL.—The Secretary of Health and
9 Human Services (referred to in this section as the
10 “Secretary”), in consultation with the Secretary of
11 Labor, shall conduct a study to determine—

12 (A) an estimate of the prevalence of hepa-
13 titis C among designated emergency response
14 employees in the United States; and

15 (B) the likely means through which such
16 employees become infected with such disease in
17 the course of performing their duties as such
18 employees.

19 (2) DESIGNATED EMERGENCY RESPONSE EM-
20 PLOYEES.—For purposes of this section, the term
21 “designated emergency response employees” means
22 firefighters, paramedics, and emergency medical
23 technicians who are employees or volunteers of units
24 of local government.

1 (3) DATE CERTAIN FOR COMPLETION; REPORT
2 TO CONGRESS.—The Secretary shall commence the
3 study under paragraph (1) not later than 90 days
4 after the date of the enactment of this Act. Not later
5 that one year after such date, the Secretary shall
6 complete the study and submit to the Congress a re-
7 port describing the findings of the study.

8 (b) DEMONSTRATION PROJECTS REGARDING TRAIN-
9 ING AND TREATMENT.—

10 (1) IN GENERAL.—The Secretary, in consulta-
11 tion with the Secretary of Labor, shall make grants
12 to qualifying local governments for the purpose of
13 carrying out demonstration projects that (directly or
14 through arrangements with nonprofit private enti-
15 ties) carry out each of the following activities:

16 (A) Training designated emergency re-
17 sponse employees in minimizing the risk of in-
18 fection with hepatitis C in performing their du-
19 ties as such employees.

20 (B) Testing such employees for infection
21 with the disease.

22 (C) Treating the employees for the disease.

23 (2) QUALIFYING LOCAL GOVERNMENTS.—For
24 purposes of this section, the term “qualifying local
25 government” means a unit of local government

1 whose population of designated emergency response
2 employees has a prevalence of hepatitis C that is not
3 less than 200 percent of the national average for the
4 prevalence of such disease in such populations.

5 (3) CONFIDENTIALITY.—A grant may be made
6 under paragraph (1) only if the qualifying local gov-
7 ernment involved agrees to ensure that information
8 regarding the testing or treatment of designated
9 emergency response employees pursuant to the grant
10 is maintained confidentially in a manner not incon-
11 sistent with applicable law.

12 (4) EVALUATIONS.—The Secretary shall pro-
13 vide for an evaluation of each demonstration project
14 under paragraph (1) in order to determine the ex-
15 tent to which the project has been effective in carry
16 out the activities described in such paragraph.

17 (5) REPORT TO CONGRESS.—Not later than
18 180 days after the date on which all grants under
19 paragraph (1) have been expended, the Secretary
20 shall submit to Congress a report providing—

21 (A) a summary of evaluations under para-
22 graph (4); and

23 (B) the recommendations of the Secretary
24 for administrative or legislative initiatives re-

1 garding the activities described in paragraph
2 (1).

3 (c) **AUTHORIZATION OF APPROPRIATIONS.**—For the
4 purpose of carrying out this section, there is authorized
5 to be appropriated to the Department of Health and
6 Human Services and the Department of Labor
7 \$10,000,000 for fiscal year 2001.

8 **SEC. 1705. REPORT ON PROGRESS ON SPECTRUM SHARING.**

9 (a) **STUDY REQUIRED.**—The Secretary of Defense, in
10 consultation with the Attorney General and the Secretary
11 of Commerce, shall provide for the conduct of an engineer-
12 ing study to identify—

13 (1) any portion of the 138-144 megahertz band
14 that the Department of Defense can share in various
15 geographic regions with public safety radio services;

16 (2) any measures required to prevent harmful
17 interference between Department of Defense systems
18 and the public safety systems proposed for operation
19 on those frequencies; and

20 (3) a reasonable schedule for implementation of
21 such sharing of frequencies.

22 (b) **SUBMISSION OF INTERIM REPORT.**—Within one
23 year after the date of enactment of this Act, the Secretary
24 of Defense shall submit to the Committee on Armed Serv-
25 ices of the Senate and the Committee on Armed Services

1 of the House of Representatives an interim report on the
 2 progress of the study conducted pursuant to subsection
 3 (a).

4 (c) REPORT.—Not later than January 1, 2002, the
 5 Secretary of Commerce and the Chairman of the Federal
 6 Communications Commission shall jointly submit a report
 7 to Congress on alternative frequencies available for use by
 8 public safety systems.

9 **SEC. 1706. SALE OR DONATION OF EXCESS DEFENSE PROP-**
 10 **ERTY TO ASSIST FIREFIGHTING AGENCIES.**

11 (a) TRANSFER AUTHORIZED.—Chapter 153 of title
 12 10, United States Code, is amended by inserting after sec-
 13 tion 2576a the following new section:

14 **“§ 2576b. Excess personal property: sale or donation**
 15 **to assist firefighting agencies**

16 “(a) TRANSFER AUTHORIZED.—Subject to sub-
 17 section (b), the Secretary of Defense may transfer to a
 18 firefighting agency in a State any personal property of the
 19 Department of Defense that the Secretary determines is—

20 “(1) excess to the needs of the Department of
 21 Defense; and

22 “(2) suitable for use in providing fire and emer-
 23 gency medical services, including personal protective
 24 equipment and equipment for communication and
 25 monitoring.

1 “(b) CONDITIONS FOR TRANSFER.—The Secretary of
2 Defense may transfer personal property under this section
3 only if—

4 “(1) the property is drawn from existing stocks
5 of the Department of Defense;

6 “(2) the recipient firefighting agency accepts
7 the property on an as-is, where-is basis;

8 “(3) the transfer is made without the expendi-
9 ture of any funds available to the Department of
10 Defense for the procurement of defense equipment;
11 and

12 “(4) all costs incurred subsequent to the trans-
13 fer of the property are borne or reimbursed by the
14 recipient.

15 “(c) CONSIDERATION.—Subject to subsection (b)(4),
16 the Secretary may transfer personal property under this
17 section without charge to the recipient firefighting agency.

18 “(d) DEFINITIONS.—In this section:

19 “(1) STATE.—The term ‘State’ includes the
20 District of Columbia, the Commonwealth of Puerto
21 Rico, the Commonwealth of the Northern Mariana
22 Islands, and any territory or possession of the
23 United States.

24 “(2) FIREFIGHTING AGENCY.—The term ‘fire-
25 fighting agency’ means any volunteer, paid, or com-

1 bined departments that provide fire and emergency
2 medical services.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 2576a the following new
6 item:

 “2576b. Excess personal property: sale or donation to assist firefighting agencies.”.

7 **SEC. 1707. IDENTIFICATION OF DEFENSE TECHNOLOGIES**
8 **SUITABLE FOR USE, OR CONVERSION FOR**
9 **USE, IN PROVIDING FIRE AND EMERGENCY**
10 **MEDICAL SERVICES.**

11 (a) APPOINTMENT OF TASK FORCE; PURPOSE.—The
12 Secretary of Defense shall appoint a task force consisting
13 of representatives from the Department of Defense and
14 each of the seven major fire organizations identified in
15 subsection (b) to identify defense technologies and equip-
16 ment that—

17 (1) can be readily put to civilian use by fire
18 service and the emergency response agencies; and

19 (2) can be transferred to these agencies using
20 the authority provided by section 2576b of title 10,
21 United States Code, as added by section 1706 of
22 this Act.

1 (b) PARTICIPATING MAJOR FIRE ORGANIZATIONS.—

2 Members of the task force shall be appointed from each
3 of the following:

4 (1) The International Association of Fire
5 Chiefs.

6 (2) The International Association of Fire Fight-
7 ers.

8 (3) The National Volunteer Fire Council.

9 (4) The International Association of Arson In-
10 vestigators.

11 (5) The International Society of Fire Service
12 Instructors.

13 (6) The National Association of State Fire
14 Marshals.

15 (7) The National Fire Protection Association.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Secretary of De-
18 fense for activities of the task force \$1,000,000 for fiscal
19 year 2001.

20 **TITLE XVIII—IMPACT AID**

Sec. 1801. Short title.

Sec. 1802. Purpose.

Sec. 1803. Payments relating to Federal acquisition of real property.

Sec. 1804. Payments for eligible federally connected children.

Sec. 1805. Maximum amount of basic support payments.

Sec. 1806. Basic support payments for heavily impacted local educational agen-
cies.

Sec. 1807. Basic support payments for local educational agencies affected by
removal of Federal property.

Sec. 1808. Additional payments for local educational agencies with high con-
centrations of children with severe disabilities.

- Sec. 1809. Application for payments under sections 8002 and 8003.
- Sec. 1810. Payments for sudden and substantial increases in attendance of military dependents.
- Sec. 1811. Construction.
- Sec. 1812. State consideration of payments in providing State aid.
- Sec. 1813. Federal administration.
- Sec. 1814. Administrative hearings and judicial review.
- Sec. 1815. Forgiveness of overpayments.
- Sec. 1816. Definitions.
- Sec. 1817. Authorization of appropriations.
- Sec. 1818. Effective date.

1 **SEC. 1801. SHORT TITLE.**

2 This title may be cited as the “Impact Aid Reauthor-
3 ization Act of 2000”.

4 **SEC. 1802. PURPOSE.**

5 Section 8001 of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 7701) is amended—

7 (1) in the matter preceding paragraph (1)—

8 (A) by inserting after “educational services
9 to federally connected children” the following:
10 “in a manner that promotes control by local
11 educational agencies with little or no Federal or
12 State involvement”; and

13 (B) by inserting after “certain activities of
14 the Federal Government” the following: “, such
15 as activities to fulfill the responsibilities of the
16 Federal Government with respect to Indian
17 tribes and activities under section 514 of the
18 Soldiers’ and Sailors’ Civil Relief Act of 1940
19 (50 U.S.C. App. 574),”;

1 (2) in paragraph (4), by adding “or” at the
2 end;

3 (3) by striking paragraph (5);

4 (4) by redesignating paragraph (6) as para-
5 graph (5); and

6 (5) in paragraph (5) (as redesignated), by in-
7 serting before the period at the end the following:
8 “and because of the difficulty of raising local rev-
9 enue through bond referendums for capital projects
10 due to the inability to tax Federal property”.

11 **SEC. 1803. PAYMENTS RELATING TO FEDERAL ACQUI-**
12 **SITION OF REAL PROPERTY.**

13 (a) FISCAL YEAR REQUIREMENT.—Section 8002(a)
14 of the Elementary and Secondary Education Act of 1965
15 (20 U.S.C. 7702(a)) is amended in the matter preceding
16 paragraph (1) by striking “1999” and inserting “2003”.

17 (b) AMOUNT.—

18 (1) PROHIBITION ON REDUCTION IN AMOUNT
19 OF PAYMENT.—Section 8002(b)(1)(A)(i) of the Ele-
20 mentary and Secondary Education Act of 1965 (20
21 U.S.C. 7702(b)(1)(A)(i)) is amended—

22 (A) by striking “(i) The amount” and in-
23 serting “(i)(I) Subject to subclauses (II) and
24 (III), the amount”;

1 (B) by striking “, except that” and all that
2 follows through “Federal property”; and

3 (C) by adding at the end the following:

4 “(II) Except as provided in subclause (III), the
5 Secretary may not reduce the amount of a payment
6 under this section to a local educational agency for
7 a fiscal year by (aa) the amount equal to the
8 amount of revenue, if any, the agency received dur-
9 ing the previous fiscal year from activities conducted
10 on Federal property eligible under this section and
11 located in a school district served by the agency, in-
12 cluding amounts received from any Federal depart-
13 ment or agency (other than the Department of Edu-
14 cation) from such activities, by reason of receipt of
15 such revenue, or (bb) any other amount by reason
16 of receipt of such revenue.

17 “(III) If the amount equal to the sum of (aa)
18 the proposed payment under this section to a local
19 educational agency for a fiscal year and (bb) the
20 amount of revenue described in subclause (II)(aa)
21 received by the agency during the previous fiscal
22 year, exceeds the maximum amount the agency is el-
23 igible to receive under this section for the fiscal year
24 involved, then the Secretary shall reduce the amount

1 of the proposed payment under this section by an
2 amount equal to such excess amount.”.

3 (2) INSUFFICIENT FUNDS.—Section
4 8002(b)(1)(B) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7702(b)(1)(B)) is
6 amended by striking “shall ratably reduce the pay-
7 ment to each eligible local educational agency” and
8 inserting “shall calculate the payment for each eligi-
9 ble local educational agency in accordance with sub-
10 section (h)”.

11 (3) MAXIMUM AMOUNT.—Section 8002(b)(1)(C)
12 of the Elementary and Secondary Education Act of
13 1965 (20 U.S.C. 7702(b)(1)(C)) is amended by add-
14 ing at the end before the period the following: “, or
15 the maximum amount that such agency is eligible to
16 receive for such fiscal year under this section, which-
17 ever is greater”.

18 (c) PAYMENTS WITH RESPECT TO FISCAL YEARS IN
19 WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—
20 Section 8002(h) of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 7702(h)) is amended to
22 read as follows:

23 “(h) PAYMENTS WITH RESPECT TO FISCAL YEARS
24 IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—
25 For any fiscal year for which the amount appropriated

1 under section 8014(a) is insufficient to pay to each eligible
2 local educational agency the full amount determined under
3 subsection (b), the Secretary shall make payments to each
4 local educational agency under this section as follows:

5 “(1) FOUNDATION PAYMENTS FOR PRE-1995 RE-
6 CIPIENTS.—

7 “(A) IN GENERAL.—The Secretary shall
8 first make a foundation payment to each local
9 educational agency that is eligible to receive a
10 payment under this section for the fiscal year
11 involved and was eligible to receive a payment
12 under section 2 of the Act of September 30,
13 1950 (Public Law 874, 81st Congress) (as such
14 section was in effect on the day preceding the
15 date of the enactment of the Improving Amer-
16 ica’s Schools Act of 1994) for any of the fiscal
17 years 1989 through 1994.

18 “(B) AMOUNT.—The amount of a payment
19 under subparagraph (A) for a local educational
20 agency shall be equal to 38 percent of the local
21 educational agency’s maximum entitlement
22 amount under section 2 of the Act of Sep-
23 tember 30, 1950, for fiscal year 1994 (or if the
24 local educational agency was not eligible to re-
25 ceive a payment under such section 2 for fiscal

1 year 1994, the local educational agency's max-
2 imum entitlement amount under such section 2
3 for the most recent fiscal year preceding 1994).

4 “(C) INSUFFICIENT APPROPRIATIONS.—If
5 the amount appropriated under section 8014(a)
6 is insufficient to pay the full amount deter-
7 mined under this paragraph for all eligible local
8 educational agencies for the fiscal year, then
9 the Secretary shall ratably reduce the payment
10 to each local educational agency under this
11 paragraph.

12 “(2) PAYMENTS FOR 1995 RECIPIENTS.—

13 “(A) IN GENERAL.—From any amounts
14 remaining after making payments under para-
15 graph (1) for the fiscal year involved, the Sec-
16 retary shall make a payment to each eligible
17 local educational agency that received a pay-
18 ment under this section for fiscal year 1995.

19 “(B) AMOUNT.—The amount of a payment
20 under subparagraph (A) for a local educational
21 agency shall be determined as follows:

22 “(i) Calculate the difference between
23 the amount appropriated to carry out this
24 section for fiscal year 1995 and the total

1 amount of foundation payments made
2 under paragraph (1) for the fiscal year.

3 “(ii) Determine the percentage share
4 for each local educational agency that re-
5 ceived a payment under this section for fis-
6 cal year 1995 by dividing the assessed
7 value of the Federal property of the local
8 educational agency for fiscal year 1995 de-
9 termined in accordance with subsection
10 (b)(3), by the total eligible national as-
11 sessed value of the eligible Federal prop-
12 erty of all such local educational agencies
13 for fiscal year 1995, as so determined.

14 “(iii) Multiply the percentage share
15 described in clause (ii) for the local edu-
16 cational agency by the amount determined
17 under clause (i).

18 “(3) SUBSECTION (i) RECIPIENTS.—From any
19 funds remaining after making payments under para-
20 graphs (1) and (2) for the fiscal year involved, the
21 Secretary shall make payments in accordance with
22 subsection (i).

23 “(4) REMAINING FUNDS.—From any funds re-
24 maining after making payments under paragraphs
25 (1), (2), and (3) for the fiscal year involved—

1 “(A) the Secretary shall make a payment
2 to each local educational agency that received a
3 foundation payment under paragraph (1) for
4 the fiscal year involved in an amount that bears
5 the same relation to 25 percent of the remain-
6 der as the amount the local educational agency
7 received under paragraph (1) for the fiscal year
8 involved bears to the amount all local edu-
9 cational agencies received under paragraph (1)
10 for the fiscal year involved; and

11 “(B) the Secretary shall make a payment
12 to each local educational agency that is eligible
13 to receive a payment under this section for the
14 fiscal year involved in an amount that bears the
15 same relation to 75 percent of the remainder as
16 a percentage share determined for the local
17 educational agency (in the same manner as per-
18 centage shares are determined for local edu-
19 cational agencies under paragraph (2)(B)(ii))
20 bears to the percentage share determined (in
21 the same manner) for all local educational
22 agencies eligible to receive a payment under this
23 section for the fiscal year involved, except that
24 for the purpose of calculating a local edu-
25 cational agency’s assessed value of the Federal

1 property, data from the most current fiscal year
2 shall be used.”.

3 (d) SPECIAL PAYMENTS.—

4 (1) IN GENERAL.—Section 8002(i)(1) of the El-
5 elementary and Secondary Education Act of 1965 (20
6 U.S.C. 7702(i)(1)) is amended to read as follows:

7 “(1) IN GENERAL.—For any fiscal year begin-
8 ning with fiscal year 2000 for which the amount ap-
9 propriated to carry out this section exceeds the
10 amount so appropriated for fiscal year 1996 and for
11 which subsection (b)(1)(B) applies, the Secretary
12 shall use the remainder described in subsection
13 (h)(3) for the fiscal year involved (not to exceed the
14 amount equal to the difference between (A) the
15 amount appropriated to carry out this section for
16 fiscal year 1997 and (B) the amount appropriated to
17 carry out this section for fiscal year 1996) to in-
18 crease the payment that would otherwise be made
19 under this section to not more than 50 percent of
20 the maximum amount determined under subsection
21 (b) for any local educational agency described in
22 paragraph (2).”.

23 (2) CONFORMING AMENDMENT.—The heading
24 of section 8002(i) of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 7702(i)) is

1 amended by striking “PRIORITY” and inserting SPE-
2 CIAL”.

3 (e) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL
4 EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROP-
5 ERTY ACQUISITION.—Section 8002(j)(2) of the Elemen-
6 tary and Secondary Education Act of 1965 (20 U.S.C.
7 7702(j)(2)) is amended—

8 (1) by striking “(A) A local educational agen-
9 cy” and inserting “A local educational agency”;

10 (2) by redesignating clauses (i) through (v) as
11 subparagraphs (A) through (E), respectively; and

12 (3) in subparagraph (C) (as redesignated), by
13 adding at the end before the semicolon the following:
14 “and, at the time at which the agency is applying
15 for a payment under this subsection, the agency
16 does not have a military installation located within
17 its geographic boundaries”.

18 (f) PRIOR YEAR DATA.—Section 8002 of the Elemen-
19 tary and Secondary Education Act of 1965 (20 U.S.C.
20 7702) is amended by adding at the end the following:

21 “(l) PRIOR YEAR DATA.—Notwithstanding any other
22 provision of this section, in determining the eligibility of
23 a local educational agency for a payment under subsection
24 (b) or (h)(4)(B) of this section for a fiscal year, and in
25 calculating the amount of such payment, the Secretary—

1 “(1) shall use data from the prior fiscal year
2 with respect to the Federal property involved, includ-
3 ing data with respect to the assessed value of the
4 property and the real property tax rate for current
5 expenditures levied against or imputed to the prop-
6 erty; and

7 “(2) shall use data from the second prior fiscal
8 year with respect to determining the amount of rev-
9 enue referred to in subsection (b)(1)(A)(i).”.

10 (g) ELIGIBILITY.—Section 8002 of the Elementary
11 and Secondary Education Act of 1965 (20 U.S.C. 7702),
12 as amended by this section, is further amended by adding
13 at the end the following:

14 “(m) ELIGIBILITY.—

15 “(1) OLD FEDERAL PROPERTY.—Except as
16 provided in paragraph (2), a local educational agen-
17 cy that is eligible to receive a payment under this
18 section for Federal property acquired by the Federal
19 Government before the date of enactment of the Im-
20 pact Aid Reauthorization Act of 2000 shall be eligi-
21 ble to receive the payment only if the local edu-
22 cational agency submits an application for a pay-
23 ment under this section not later than 5 years after
24 the date of the enactment of such Act.

1 “(2) COMBINED FEDERAL PROPERTY.—A local
2 educational agency that is eligible to receive a pay-
3 ment under this section for Federal property ac-
4 quired by the Federal Government before the date of
5 enactment of the Impact Aid Reauthorization Act of
6 2000 shall be eligible to receive the payment if—

7 “(A) the Federal property, when combined
8 with other Federal property in the school dis-
9 trict served by the local educational agency ac-
10 quired by the Federal Government after the
11 date of the enactment of such Act, meets the
12 requirements of subsection (a); and

13 “(B) the local educational agency submits
14 an application for a payment under this section
15 not later than 5 years after the date of acquisi-
16 tion of the Federal property acquired after the
17 date of the enactment of such Act.

18 “(3) NEW FEDERAL PROPERTY.—A local edu-
19 cational agency that is eligible to receive a payment
20 under this section for Federal property acquired by
21 the Federal Government after the date of enactment
22 of the Impact Aid Reauthorization Act of 2000 shall
23 be eligible to receive the payment only if the local
24 educational agency submits an application for a pay-

1 ment under this section not later than 5 years after
2 the date of acquisition.”.

3 **SEC. 1804. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
4 **NECTED CHILDREN.**

5 (a) GENERAL AMENDMENTS.—Section 8003 of the
6 Elementary and Secondary Education Act of 1965 (20
7 U.S.C. 7703) is amended—

8 (1) in subsection (a)(2)—

9 (A) by redesignating subparagraph (E) as
10 subparagraph (F);

11 (B) in subparagraph (D), by striking “sub-
12 paragraphs (D) and (E) of paragraph (1) by a
13 factor of .10” and inserting “subparagraph (D)
14 of paragraph (1) by a factor of .20”; and

15 (C) by inserting after subparagraph (D)
16 the following:

17 “(E) Multiply the number of children de-
18 scribed in subparagraph (E) of paragraph (1)
19 by a factor of .10.”;

20 (2) in subsection (b)(1), by adding at the end
21 the following:

22 “(D) DATA.—If satisfactory data from the
23 third preceding fiscal year are not available for
24 any of the expenditures described in clause (i)
25 or (ii) of subparagraph (C), the Secretary shall

1 use data from the most recent fiscal year for
2 which data that are satisfactory to the Sec-
3 retary are available.

4 “(E) SPECIAL RULE.—For purposes of de-
5 termining the comparable local contribution
6 rate under subparagraph (C)(iii) for a local
7 educational agency described in section
8 222.39(c)(3) of title 34, Code of Federal Regu-
9 lations, that had its comparable local contribu-
10 tion rate for fiscal year 1998 calculated pursu-
11 ant to section 222.39 of title 34, Code of Fed-
12 eral Regulations, the Secretary shall determine
13 such comparable local contribution rate as the
14 rate upon which payments under this subsection
15 for fiscal year 2000 were made to the local edu-
16 cational agency adjusted by the percentage in-
17 crease or decrease in the per pupil expenditure
18 in the State serving the local educational agen-
19 cy calculated on the basis of the second most
20 recent preceding school year compared to the
21 third most recent preceding school year for
22 which school year data are available.”; and

23 (3) by amending subsection (e) to read as fol-
24 lows:

25 “(e) HOLD HARMLESS.—

1 “(1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), the total amount the Secretary shall pay a
3 local educational agency under subsection (b)—

4 “(A) for fiscal year 2001 shall not be less
5 than 85 percent of the total amount that the
6 local educational agency received under sub-
7 sections (b) and (f) for fiscal year 2000; and

8 “(B) for fiscal year 2002 shall not be less
9 than 70 percent of the total amount that the
10 local educational agency received under sub-
11 sections (b) and (f) for fiscal year 2000.

12 “(2) MAXIMUM AMOUNT.—The total amount
13 provided to a local educational agency under sub-
14 paragraph (A) or (B) of paragraph (1) for a fiscal
15 year shall not exceed the maximum basic support
16 payment amount for such agency determined under
17 paragraph (1) or (2) of subsection (b), as the case
18 may be.

19 “(3) RATABLE REDUCTIONS.—

20 “(A) IN GENERAL.—If the sums made
21 available under this title for any fiscal year are
22 insufficient to pay the full amounts that all
23 local educational agencies in all States are eligi-
24 ble to receive under paragraph (1) for such

1 year, then the Secretary shall ratably reduce
2 the payments to all such agencies for such year.

3 “(B) ADDITIONAL FUNDS.—If additional
4 funds become available for making payments
5 under paragraph (1) for such fiscal year, pay-
6 ments that were reduced under subparagraph
7 (A) shall be increased on the same basis as
8 such payments were reduced.”.

9 (b) MILITARY INSTALLATION AND INDIAN HOUSING
10 UNDERGOING RENOVATION OR REBUILDING.—

11 (1) IN GENERAL.—Section 8003(a)(4) of the
12 Elementary and Secondary Education Act of 1965
13 (20 U.S.C. 7703(a)) is amended—

14 (A) in the heading—

15 (i) by inserting “AND INDIAN” after
16 “MILITARY INSTALLATION”; and

17 (ii) by inserting “OR REBUILDING”
18 after “RENOVATION”;

19 (B) by striking “For purposes” and insert-
20 ing the following:

21 “(A) IN GENERAL.—(i) For purposes”;

22 (C) in subparagraph (A)(i) (as designated
23 by subparagraph (B)), by inserting “or rebuild-
24 ing” after “undergoing renovation”; and

25 (D) by adding at the end the following:

1 “(ii) For purposes of computing the
2 amount of a payment for a local educational
3 agency that received a payment for children
4 that resided on Indian lands in accordance with
5 paragraph (1)(C) for the fiscal year prior to the
6 fiscal year for which the local educational agen-
7 cy is making an application, the Secretary shall
8 consider such children to be children described
9 in paragraph (1)(C) if the Secretary deter-
10 mines, on the basis of a certification provided
11 to the Secretary by a designated representative
12 of the Secretary of the Interior or the Secretary
13 of Housing and Urban Development, that such
14 children would have resided in housing on In-
15 dian lands in accordance with paragraph (1)(C)
16 except that such housing was undergoing ren-
17 ovation or rebuilding on the date for which the
18 Secretary determines the number of children
19 under paragraph (1).

20 “(B) LIMITATIONS.—(i)(I) Children de-
21 scribed in paragraph (1)(D)(i) may be deemed
22 to be children described in paragraph (1)(B)
23 with respect to housing on Federal property un-
24 dergoing renovation or rebuilding in accordance

1 with subparagraph (A)(i) for a period not to ex-
2 ceed 3 fiscal years.

3 “(II) The number of children described in
4 paragraph (1)(D)(i) who are deemed to be chil-
5 dren described in paragraph (1)(B) with respect
6 to housing on Federal property undergoing ren-
7 ovation or rebuilding in accordance with sub-
8 paragraph (A)(i) for any fiscal year may not ex-
9 ceed the maximum number of children who are
10 expected to occupy that housing upon comple-
11 tion of the renovation or rebuilding.

12 “(ii)(I) Children that resided on Indian
13 lands in accordance with paragraph (1)(C) for
14 the fiscal year prior to the fiscal year for which
15 the local educational agency is making an appli-
16 cation may be deemed to be children described
17 in paragraph (1)(C) with respect to housing on
18 Indian lands undergoing renovation or rebuild-
19 ing in accordance with subparagraph (A)(ii) for
20 a period not to exceed 3 fiscal years.

21 “(II) The number of children that resided
22 on Indian lands in accordance with paragraph
23 (1)(C) for the fiscal year prior to the fiscal year
24 for which the local educational agency is mak-
25 ing an application who are deemed to be chil-

1 dren described in paragraph (1)(C) with respect
2 to housing on Indian lands undergoing renova-
3 tion or rebuilding in accordance with subpara-
4 graph (A)(ii) for any fiscal year may not exceed
5 the maximum number of children who are ex-
6 pected to occupy that housing upon completion
7 of the renovation or rebuilding.”.

8 (2) EFFECTIVE DATE.—The amendments made
9 by paragraph (1) shall apply with respect to pay-
10 ments to a local educational agency for fiscal years
11 beginning before, on, or after the date of the enact-
12 ment of this Act.

13 (c) MILITARY “BUILD TO LEASE” PROGRAM HOUS-
14 ING.—Section 8003(a) of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 7703(a)) is amended
16 by adding at the end the following:

17 “(5) MILITARY ‘BUILD TO LEASE’ PROGRAM
18 HOUSING.—

19 “(A) IN GENERAL.—For purposes of com-
20 puting the amount of payment for a local edu-
21 cational agency for children identified under
22 paragraph (1), the Secretary shall consider chil-
23 dren residing in housing initially acquired or
24 constructed under the former section 2828(g) of
25 title 10, United States Code (commonly known

1 as the ‘Build to Lease’ program), as added by
2 section 801 of the Military Construction Au-
3 thorization Act, 1984, to be children described
4 under paragraph (1)(B) if the property de-
5 scribed is within the fenced security perimeter
6 of the military facility upon which such housing
7 is situated.

8 “(B) ADDITIONAL REQUIREMENTS.—If the
9 property described in subparagraph (A) is not
10 owned by the Federal Government, is subject to
11 taxation by a State or political subdivision of a
12 State, and thereby generates revenues for a
13 local educational agency that is applying to re-
14 ceive a payment under this section, then the
15 Secretary—

16 “(i) shall require the local educational
17 agency to provide certification from an ap-
18 propriate official of the Department of De-
19 fense that the property is being used to
20 provide military housing; and

21 “(ii) shall reduce the amount of the
22 payment under this section by an amount
23 equal to the amount of revenue from such
24 taxation received in the second preceding
25 fiscal year by such local educational agen-

cy, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.”.

SEC. 1805. MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENTS.

Section 8003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)), as amended by this Act, is further amended by adding at the end the following:

“(F) INCREASE IN LOCAL CONTRIBUTION RATE DUE TO UNUSUAL GEOGRAPHIC FACTORS.—If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subparagraph (C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution

1 rate for such agency under subparagraph
 2 (C)(iii) by such an amount which the Secretary
 3 determines will compensate such agency for the
 4 increase in current expenditures necessitated by
 5 such unusual geographical factors. The amount
 6 of any such supplementary payment may not
 7 exceed the per-pupil share (computed with re-
 8 gard to all children in average daily attend-
 9 ance), as determined by the Secretary, of the
 10 increased current expenditures necessitated by
 11 such unusual geographic factors.”.

12 **SEC. 1806. BASIC SUPPORT PAYMENTS FOR HEAVILY IM-**
 13 **PACTED LOCAL EDUCATIONAL AGENCIES.**

14 (a) IN GENERAL.—Section 8003(b) of the Elemen-
 15 tary and Secondary Education Act of 1965 (20 U.S.C.
 16 7703(b)) is amended—

17 (1) by redesignating paragraphs (2) and (3) as
 18 paragraphs (3) and (4), respectively; and

19 (2) by inserting after paragraph (1) the fol-
 20 lowing:

21 “(2) BASIC SUPPORT PAYMENTS FOR HEAVILY
 22 IMPACTED LOCAL EDUCATIONAL AGENCIES.—

23 “(A) IN GENERAL.—(i) From the amount
 24 appropriated under section 8014(b) for a fiscal
 25 year, the Secretary is authorized to make basic

1 support payments to eligible heavily impacted
2 local educational agencies with children de-
3 scribed in subsection (a).

4 “(ii) A local educational agency that re-
5 ceives a basic support payment under this para-
6 graph for a fiscal year shall not be eligible to
7 receive a basic support payment under para-
8 graph (1) for that fiscal year.

9 “(B) ELIGIBILITY FOR CONTINUING HEAV-
10 ILY IMPACTED LOCAL EDUCATIONAL AGEN-
11 CIES.—

12 “(i) IN GENERAL.—A heavily im-
13 pacted local educational agency is eligible
14 to receive a basic support payment under
15 subparagraph (A) with respect to a num-
16 ber of children determined under sub-
17 section (a)(1) if the agency—

18 (I) received an additional assist-
19 ance payment under subsection (f) (as
20 such subsection was in effect on the
21 day before the date of the enactment
22 of the Impact Aid Reauthorization
23 Act of 2000) for fiscal year 2000; and

1 “(II)(aa) is a local educational
2 agency whose boundaries are the same
3 as a Federal military installation;

4 “(bb) has an enrollment of chil-
5 dren described in subsection (a)(1)
6 that constitutes a percentage of the
7 total student enrollment of the agency
8 which is not less than 35 percent, has
9 a per-pupil expenditure that is less
10 than the average per-pupil expendi-
11 ture of the State in which the agency
12 is located or the average per-pupil ex-
13 penditure of all States (whichever av-
14 erage per-pupil expenditure is great-
15 er), except that a local educational
16 agency with a total student enrollment
17 of less than 350 students shall be
18 deemed to have satisfied such per-
19 pupil expenditure requirement, and
20 has a tax rate for general fund pur-
21 poses which is not less than 95 per-
22 cent of the average tax rate for gen-
23 eral fund purposes of local educational
24 agencies in the State;

1 “(cc) has an enrollment of chil-
2 dren described in subsection (a)(1)
3 that constitutes a percentage of the
4 total student enrollment of the agency
5 which is not less than 30 percent, and
6 has a tax rate for general fund pur-
7 poses which is not less than 125 per-
8 cent of the average tax rate for gen-
9 eral fund purposes for comparable
10 local educational agencies in the
11 State;

12 “(dd) has a total student enroll-
13 ment of not less than 25,000 stu-
14 dents, of which not less than 50 per-
15 cent are children described in sub-
16 section (a)(1) and not less than 6,000
17 of such children are children described
18 in subparagraphs (A) and (B) of sub-
19 section (a)(1); or

20 “(ee) meets the requirements of
21 subsection (f)(2) applying the data re-
22 quirements of subsection (f)(4) (as
23 such subsections were in effect on the
24 day before the date of the enactment

1 of the Impact Aid Reauthorization
2 Act of 2000).

3 “(ii) LOSS OF ELIGIBILITY.—A heav-
4 ily impacted local educational agency that
5 met the requirements of clause (i) for a
6 fiscal year shall be ineligible to receive a
7 basic support payment under subpara-
8 graph (A) if the agency fails to meet the
9 requirements of clause (i) for a subsequent
10 fiscal year, except that such agency shall
11 continue to receive a basic support pay-
12 ment under this paragraph for the fiscal
13 year for which the ineligibility determina-
14 tion is made.

15 “(iii) RESUMPTION OF ELIGIBILITY.—
16 A heavily impacted local educational agen-
17 cy described in clause (i) that becomes in-
18 eligible under such clause for 1 or more
19 fiscal years may resume eligibility for a
20 basic support payment under this para-
21 graph for a subsequent fiscal year only if
22 the agency meets the requirements of
23 clause (i) for that subsequent fiscal year,
24 except that such agency shall not receive a
25 basic support payment under this para-

1 graph until the fiscal year succeeding the
2 fiscal year for which the eligibility deter-
3 mination is made.

4 “(C) ELIGIBILITY FOR NEW HEAVILY IM-
5 PACTED LOCAL EDUCATIONAL AGENCIES.—

6 “(i) IN GENERAL.—A heavily im-
7 pacted local educational agency that did
8 not receive an additional assistance pay-
9 ment under subsection (f) (as such sub-
10 section was in effect on the day before the
11 date of the enactment of the Impact Aid
12 Reauthorization Act of 2000) for fiscal
13 year 2000 is eligible to receive a basic sup-
14 port payment under subparagraph (A) for
15 fiscal year 2002 and any subsequent fiscal
16 year with respect to a number of children
17 determined under subsection (a)(1) only if
18 the agency is a local educational agency
19 whose boundaries are the same as a Fed-
20 eral military installation, or the agency—

21 “(I) has an enrollment of chil-
22 dren described in subsection (a)(1)
23 that constitutes a percentage of the
24 total student enrollment of the agency
25 that—

1 “(aa) is not less than 50
2 percent if such agency receives a
3 payment on behalf of children de-
4 scribed in subparagraphs (F) and
5 (G) of such subsection; or

6 “(bb) is not less than 40
7 percent if such agency does not
8 receive a payment on behalf of
9 such children;

10 “(II)(aa) for a local educational
11 agency that has a total student enroll-
12 ment of 350 or more students, has a
13 per-pupil expenditure that is less than
14 the average per-pupil expenditure of
15 the State in which the agency is lo-
16 cated; or

17 “(bb) for a local educational
18 agency that has a total student enroll-
19 ment of less than 350 students, has a
20 per-pupil expenditure that is less than
21 the average per-pupil expenditure of a
22 comparable local educational agency
23 in the State in which the agency is lo-
24 cated; and

1 “(III) has a tax rate for general
2 fund purposes that is at least 95 per-
3 cent of the average tax rate for gen-
4 eral fund purposes of comparable local
5 educational agencies in the State.

6 “(ii) RESUMPTION OF ELIGIBILITY.—
7 A heavily impacted local educational agen-
8 cy described in clause (i) that becomes in-
9 eligible under such clause for 1 or more
10 fiscal years may resume eligibility for a
11 basic support payment under this para-
12 graph for a subsequent fiscal year only if
13 the agency is a local educational agency
14 whose boundaries are the same as a Fed-
15 eral military installation, or meets the re-
16 quirements of clause (i), for that subse-
17 quent fiscal year, except that such agency
18 shall continue to receive a basic support
19 payment under this paragraph for the fis-
20 cal year for which the ineligibility deter-
21 mination is made.

22 “(iii) APPLICATION.—With respect to
23 the first fiscal year for which a heavily im-
24 pacted local educational agency described
25 in clause (i) applies for a basic support

1 payment under subparagraph (A), or with
2 respect to the first fiscal year for which a
3 heavily impacted local educational agency
4 applies for a basic support payment under
5 subparagraph (A) after becoming ineligible
6 under clause (i) for 1 or more preceding
7 fiscal years, the agency shall apply for
8 such payment at least 1 year prior to the
9 start of that first fiscal year.

10 “(D) MAXIMUM AMOUNT FOR REGULAR
11 HEAVILY IMPACTED LOCAL EDUCATIONAL
12 AGENCIES.—(i) Except as provided in subpara-
13 graph (E), the maximum amount that a heavily
14 impacted local educational agency is eligible to
15 receive under this paragraph for any fiscal year
16 is the sum of the total weighted student units,
17 as computed under subsection (a)(2) and sub-
18 ject to clause (ii), multiplied by the greater of—

19 “(I) four-fifths of the average per-
20 pupil expenditure of the State in which the
21 local educational agency is located for the
22 third fiscal year preceding the fiscal year
23 for which the determination is made; or

24 “(II) four-fifths of the average per-
25 pupil expenditure of all of the States for

1 the third fiscal year preceding the fiscal
2 year for which the determination is made.

3 “(ii)(I) For a local educational agency with
4 respect to which 35 percent or more of the total
5 student enrollment of the schools of the agency
6 are children described in subparagraph (D) or
7 (E) (or a combination thereof) of subsection
8 (a)(1), the Secretary shall calculate the weight-
9 ed student units of such children for purposes
10 of subsection (a)(2) by multiplying the number
11 of such children by a factor of 0.55.

12 “(II) For a local educational agency that
13 has an enrollment of 100 or fewer children de-
14 scribed in subsection (a)(1), the Secretary shall
15 calculate the total number of weighted student
16 units for purposes of subsection (a)(2) by multi-
17 plying the number of such children by a factor
18 of 1.75.

19 “(III) For a local educational agency that
20 has an enrollment of more than 100 but not
21 more than 750 children described in subsection
22 (a)(1), the Secretary shall calculate the total
23 number of weighted student units for purposes
24 of subsection (a)(2) by multiplying the number
25 of such children by a factor of 1.25.

1 “(E) MAXIMUM AMOUNT FOR LARGE
2 HEAVILY IMPACTED LOCAL EDUCATIONAL
3 AGENCIES.—(i)(I) Subject to clause (ii), the
4 maximum amount that a heavily impacted local
5 educational agency described in subclause (II)
6 is eligible to receive under this paragraph for
7 any fiscal year shall be determined in accord-
8 ance with the formula described in paragraph
9 (1)(C).

10 “(II) A heavily impacted local educational
11 agency described in this subclause is a local
12 educational agency that has a total student en-
13 rollment of not less than 25,000 students, of
14 which not less than 50 percent are children de-
15 scribed in subsection (a)(1) and not less than
16 6,000 of such children are children described in
17 subparagraphs (A) and (B) of subsection
18 (a)(1).

19 “(ii) For purposes of calculating the max-
20 imum amount described in clause (i), the factor
21 used in determining the weighted student units
22 under subsection (a)(2) with respect to children
23 described in subparagraphs (A) and (B) of sub-
24 section (a)(1) shall be 1.35.

1 “(F) DATA.—For purposes of providing
 2 assistance under this paragraph the Secretary
 3 shall use student, revenue, expenditure, and tax
 4 data from the third fiscal year preceding the
 5 fiscal year for which the local educational agen-
 6 cy is applying for assistance under this para-
 7 graph.”.

8 (b) PAYMENTS WITH RESPECT TO FISCAL YEARS IN
 9 WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—
 10 Section 8003(b)(3) of the Elementary and Secondary
 11 Education Act of 1965 (20 U.S.C. 7703(b)(3)) (as so re-
 12 designated) is amended—

13 (1) in subparagraph (A), by striking “para-
 14 graph (1)” and inserting “paragraphs (1) and (2)”;
 15 (2) in subparagraph (B)—

16 (A) in the heading, by inserting after
 17 “PAYMENTS” the following: “IN LIEU OF PAY-
 18 MENTS UNDER PARAGRAPH (1)”;

19 (B) in clause (i)—

20 (i) in the matter preceding subclause
 21 (I), by inserting before “by multiplying”
 22 the following: “in lieu of basic support pay-
 23 ments under paragraph (1)”;

1 (ii) in subclause (II), by striking “(not
2 including amounts received under sub-
3 section (f))”; and

4 (C) by adding at the end the following:

5 “(iv) In the case of a local educational
6 agency that has a total student enrollment of
7 fewer than 1,000 students and that has a per-
8 pupil expenditure that is less than the average
9 per-pupil expenditure of the State in which the
10 agency is located, the total percentage used to
11 calculate threshold payments under clause (i)
12 shall not be less than 40 percent.”;

13 (3) by redesignating subparagraph (C) as sub-
14 paragraph (D);

15 (4) by inserting after subparagraph (B) the fol-
16 lowing:

17 “(C) LEARNING OPPORTUNITY THRESH-
18 OLD PAYMENTS IN LIEU OF PAYMENTS UNDER
19 PARAGRAPH (2).—For fiscal years described in
20 subparagraph (A), the learning opportunity
21 threshold payment in lieu of basic support pay-
22 ments under paragraph (2) shall be equal to the
23 amount obtained under subparagraph (D) or
24 (E) of paragraph (2), as the case may be.”; and

1 (5) in subparagraph (D) (as so redesignated),
2 by striking “computation made under subparagraph
3 (B)” and inserting “computations made under sub-
4 paragraphs (B) and (C)”.

5 (c) CONFORMING AMENDMENTS.—Section 8003 of
6 the Elementary and Secondary Education Act of 1965 (20
7 U.S.C. 7703) is amended—

8 (1) in the matter preceding subparagraph (A)
9 of subsection (a)(1), by striking “subsection (b), (d),
10 or (f)” and inserting “subsection (b) or (d)”;

11 (2) in subsection (b)—

12 (A) in paragraph (1)(C), in the matter
13 preceding clause (i), by striking “this sub-
14 section” and inserting “this paragraph”; and

15 (B) in paragraph (4) (as so redesign-
16 ated)—

17 (i) in subparagraph (A), by striking
18 “paragraphs (1)(B), (1)(C), and (2) of this
19 subsection” and inserting “subparagraphs
20 (B) and (C) of paragraph (1) or subpara-
21 graphs (B) through (D) of paragraph (2),
22 as the case may be, paragraph (3) of this
23 subsection”; and

24 (ii) in subparagraph (B)—

1 (I) by inserting after “paragraph
 2 (1)(C)” the following: “or subpara-
 3 graph (D) or (E) of paragraph (2), as
 4 the case may be,”; and

5 (II) by striking “paragraph
 6 (2)(B)” and inserting “subparagraph
 7 (B) or (C) of paragraph (3), as the
 8 case may be,”;

9 (3) in subsection (c)(1), by striking “paragraph
 10 (2) and subsection (f)” and inserting “subsections
 11 (b)(1)(D), (b)(2), and paragraph (2)”;

12 (4) by striking subsection (f); and

13 (5) in subsection (h), by striking “section 6”
 14 and all that follows through “1994)” and inserting
 15 “section 386 of the National Defense Authorization
 16 Act for Fiscal Year 1993”.

17 **SEC. 1807. BASIC SUPPORT PAYMENTS FOR LOCAL EDU-**
 18 **CATIONAL AGENCIES AFFECTED BY RE-**
 19 **MOVAL OF FEDERAL PROPERTY.**

20 Section 8003(b) of the Elementary and Secondary
 21 Education Act of 1965 (20 U.S.C. 7703(b)), as amended
 22 by this Act, is further amended by adding at the end the
 23 following:

24 “(5) LOCAL EDUCATIONAL AGENCIES AF-
 25 FECTED BY REMOVAL OF FEDERAL PROPERTY.—

1 “(A) IN GENERAL.—In computing the
2 amount of a basic support payment under this
3 subsection for a fiscal year for a local edu-
4 cational agency described in subparagraph (B),
5 the Secretary shall meet the additional require-
6 ments described in subparagraph (C).

7 “(B) LOCAL EDUCATIONAL AGENCY DE-
8 SCRIBED.—A local educational agency described
9 in this subparagraph is a local educational
10 agency with respect to which Federal property
11 (i) located within the boundaries of the agency,
12 and (ii) on which one or more children reside
13 who are receiving a free public education at a
14 school of the agency, is transferred by the Fed-
15 eral Government to another entity in any fiscal
16 year beginning on or after the date of the en-
17 actment of the Impact Aid Reauthorization Act
18 of 2000 so that the property is subject to tax-
19 ation by the State or a political subdivision of
20 the State.

21 “(C) ADDITIONAL REQUIREMENTS.—The
22 additional requirements described in this sub-
23 paragraph are the following:

24 “(i) For each fiscal year beginning
25 after the date on which the Federal prop-

erty is transferred, a child described in subparagraph (B) who continues to reside on such property and who continues to receive a free public education at a school of the agency shall be deemed to be a child who resides on Federal property for purposes of computing under the applicable subparagraph of subsection (a)(1) the amount that the agency is eligible to receive under this subsection.

“(ii)(I) For the third fiscal year beginning after the date on which the Federal property is transferred, and for each fiscal year thereafter, the Secretary shall, after computing the amount that the agency is otherwise eligible to receive under this subsection for the fiscal year involved, deduct from such amount an amount equal to the revenue received by the agency for the immediately preceding fiscal year as a result of the taxable status of the former Federal property.

“(II) For purposes of determining the amount of revenue to be deducted in ac-

1 cordance with subclause (I), the local edu-
2 cational agency—

3 “(aa) shall provide for a review
4 and certification of such amount by
5 an appropriate local tax authority;
6 and

7 “(bb) shall submit to the Sec-
8 retary a report containing the amount
9 certified under item (aa).”.

10 **SEC. 1808. ADDITIONAL PAYMENTS FOR LOCAL EDU-**
11 **CATIONAL AGENCIES WITH HIGH CON-**
12 **CENTRATIONS OF CHILDREN WITH SEVERE**
13 **DISABILITIES.**

14 (a) REPEAL.—Subsection (g) of section 8003 of the
15 Elementary and Secondary Education Act of 1965 (20
16 U.S.C. 7703(g)) is repealed.

17 (b) CONFORMING AMENDMENTS.—(1) Section 8003
18 of the Elementary and Secondary Education Act of 1965
19 (20 U.S.C. 7703) is amended by redesignating subsections
20 (h) and (i) as subsections (f) and (g), respectively.

21 (2) Section 426 of the General Education Provisions
22 Act (20 U.S.C. 1228) is amended by striking “subsections
23 (d) and (g) of section 8003 of such Act” and inserting
24 “section 8003(d) of such Act”.

1 **SEC. 1809. APPLICATION FOR PAYMENTS UNDER SECTIONS**
2 **8002 AND 8003.**

3 Section 8005(d) of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 7705(d)) is amended—

5 (1) in paragraph (2), by inserting after “not
6 more than 60 days after a deadline established
7 under subsection (c)” the following: “, or not more
8 than 60 days after the date on which the Secretary
9 sends written notice to the local educational agency
10 pursuant to paragraph (3)(A), as the case may be,”;
11 and

12 (2) in paragraph (3) to read as follows:

13 “(3) LATE APPLICATIONS.—

14 “(A) NOTICE.—The Secretary shall, as
15 soon as practicable after the deadline estab-
16 lished under subsection (c), provide to each
17 local educational agency that applied for a pay-
18 ment under section 8002 or 8003 for the prior
19 fiscal year, and with respect to which the Sec-
20 retary has not received an application for a pay-
21 ment under either such section (as the case
22 may be) for the fiscal year in question, written
23 notice of the failure to comply with the deadline
24 and instruction to ensure that the application is
25 filed not later than 60 days after the date on
26 which the Secretary sends the notice.

“(B) ACCEPTANCE AND APPROVAL OF
 LATE APPLICATIONS.—The Secretary shall not
 accept or approve any application of a local
 educational agency that is filed more than 60
 days after the date on which the Secretary
 sends written notice to the local educational
 agency pursuant to subparagraph (A).”.

**SEC. 1810. PAYMENTS FOR SUDDEN AND SUBSTANTIAL IN-
 CREASES IN ATTENDANCE OF MILITARY DE-
 PENDENTS.**

Section 8006 of the Elementary and Secondary Edu-
 cation Act of 1965 (20 U.S.C. 7706) is repealed.

SEC. 1811. CONSTRUCTION.

Section 8007 of the Elementary and Secondary Edu-
 cation Act of 1965 (20 U.S.C. 7707) is amended to read
 as follows:

“SEC. 8007. CONSTRUCTION.

“(a) CONSTRUCTION PAYMENTS AUTHORIZED.—

“(1) IN GENERAL.—From 40 percent of the
 amount appropriated for each fiscal year under sec-
 tion 8014(e), the Secretary shall make payments in
 accordance with this subsection to each local edu-
 cational agency that receives a basic support pay-
 ment under section 8003(b) for that fiscal year.

1 “(2) ADDITIONAL REQUIREMENTS.—A local
2 educational agency that receives a basic support pay-
3 ment under section 8003(b)(1) shall also meet at
4 least one of the following requirements:

5 “(A) The number of children determined
6 under section 8003(a)(1)(C) for the agency for
7 the preceding school year constituted at least
8 50 percent of the total student enrollment in
9 the schools of the agency during the preceding
10 school year.

11 “(B) The number of children determined
12 under subparagraphs (B) and (D)(i) of section
13 8003(a)(1) for the agency for the preceding
14 school year constituted at least 50 percent of
15 the total student enrollment in the schools of
16 the agency during the preceding school year.

17 “(3) AMOUNT OF PAYMENTS.—

18 “(A) LOCAL EDUCATIONAL AGENCIES IM-
19 PACTED BY MILITARY DEPENDENT CHIL-
20 DREN.—The amount of a payment to each local
21 educational agency described in this subsection
22 that is impacted by military dependent children
23 for a fiscal year shall be equal to—

1 “(i)(II) 20 percent of the amount ap-
2 propriated under section 8014(e) for such
3 fiscal year; divided by

4 “(II) the total number of weighted
5 student units of children described in sub-
6 paragraphs (B) and (D)(i) of section
7 8003(a)(1) for all local educational agen-
8 cies described in this subsection (as cal-
9 culated under section 8003(a)(2)), includ-
10 ing the number of weighted student units
11 of such children attending a school facility
12 described in section 8008(a) if the Sec-
13 retary does not provide assistance for the
14 school facility under that section for the
15 prior fiscal year; multiplied by

16 “(ii) the total number of such weight-
17 ed student units for the agency.

18 “(B) LOCAL EDUCATIONAL AGENCIES IM-
19 PACTED BY CHILDREN WHO RESIDE ON INDIAN
20 LANDS.—The amount of a payment to each
21 local educational agency described in this sub-
22 section that is impacted by children who reside
23 on Indian lands for a fiscal year shall be equal
24 to—

1 “(i)(I) 20 percent of the amount ap-
2 propriated under section 8014(e) for such
3 fiscal year; divided by

4 “(II) the total number of weighted
5 student units of children described in sec-
6 tion 8003(a)(1)(C) for all local educational
7 agencies described in this subsection (as
8 calculated under section 8003(a)(2)); mul-
9 tiplied by

10 “(ii) the total number of such weight-
11 ed student units for the agency.

12 “(4) USE OF FUNDS.—Any local educational
13 agency that receives funds under this subsection
14 shall use such funds for construction, as defined in
15 section 8013(3).

16 “(b) SCHOOL FACILITY MODERNIZATION GRANTS
17 AUTHORIZED.—

18 “(1) IN GENERAL.—From 60 percent of the
19 amount appropriated for each fiscal year under sec-
20 tion 8014(e), the Secretary shall award grants in ac-
21 cordance with this subsection to eligible local edu-
22 cational agencies to enable the local educational
23 agencies to carry out modernization of school facili-
24 ties.

1 “(2) ELIGIBILITY REQUIREMENTS.—A local
2 educational agency is eligible to receive funds under
3 this subsection only if—

4 “(A) such agency (or in the case of a local
5 educational agency that does not have the au-
6 thority to tax or issue bonds, such agency’s fis-
7 cal agent) has no capacity to issue bonds or is
8 at such agency’s limit in bonded indebtedness
9 for the purposes of generating funds for capital
10 expenditures, except that a local educational
11 agency that is eligible to receive funds under
12 section 8003(b)(2) shall be deemed to meet the
13 requirements of this subparagraph; and

14 “(B)(i) such agency received assistance
15 under section 8002(a) for the fiscal year and
16 has an assessed value of taxable property per
17 student in the school district that is less than
18 the average of the assessed value of taxable
19 property per student in the State in which the
20 local educational agency is located; or

21 “(ii) such agency received assistance under
22 subsection (a) for the fiscal year and has a
23 school facility emergency, as determined by the
24 Secretary, that poses a health or safety hazard

1 to the students and school personnel assigned
2 to the school facility.

3 “(3) AWARD CRITERIA.—In awarding grants
4 under this subsection the Secretary shall consider
5 one or more of the following factors:

6 “(A) The extent to which the local edu-
7 cational agency lacks the fiscal capacity to un-
8 dertake the modernization project without Fed-
9 eral assistance.

10 “(B) The extent to which property in the
11 local educational agency is nontaxable due to
12 the presence of the Federal Government.

13 “(C) The extent to which the local edu-
14 cational agency serves high numbers or percent-
15 ages of children described in subparagraphs
16 (A), (B), (C), and (D) of section 8003(a)(1).

17 “(D) The need for modernization to
18 meet—

19 “(i) the threat that the condition of
20 the school facility poses to the health, safe-
21 ty, and well-being of students;

22 “(ii) overcrowding conditions as evi-
23 denced by the use of trailers and portable
24 buildings and the potential for future over-

1 crowding because of increased enrollment;
2 and

3 “(iii) facility needs resulting from ac-
4 tions of the Federal Government.

5 “(E) The age of the school facility to be
6 modernized.

7 “(4) OTHER AWARD PROVISIONS.—

8 “(A) FEDERAL SHARE.—The Federal
9 funds provided under this subsection to a local
10 educational agency described in subparagraph
11 (C) shall not exceed 50 percent of the total cost
12 of the project to be assisted under this sub-
13 section. A local educational agency may use in-
14 kind contributions to meet the matching re-
15 quirement of the preceding sentence.

16 “(B) MAXIMUM GRANT.—A local edu-
17 cational agency described in subparagraph (C)
18 may not receive a grant under this subsection
19 in an amount that exceeds \$3,000,000 during
20 any 5-year period.

21 “(C) LOCAL EDUCATIONAL AGENCY DE-
22 SCRIBED.—A local educational agency described
23 in this subparagraph is a local educational
24 agency that has the authority to issue bonds
25 but is at such agency’s limit in bonded indebt-

1 edness for the purposes of generating funds for
2 capital expenditures.

3 “(5) APPLICATIONS.—A local educational agen-
4 cy that desires to receive a grant under this sub-
5 section shall submit an application to the Secretary
6 at such time, in such manner, and accompanied by
7 such information as the Secretary may require. Each
8 application shall contain—

9 “(A) documentation certifying such agen-
10 cy’s lack of bonding capacity;

11 “(B) a listing of the school facilities to be
12 modernized, including the number and percent-
13 age of children determined under section
14 8003(a)(1) in average daily attendance in each
15 school facility;

16 “(C) a description of the ownership of the
17 property on which the current school facility is
18 located or on which the planned school facility
19 will be located;

20 “(D) a description of any school facility
21 deficiency that poses a health or safety hazard
22 to the occupants of the school facility and a de-
23 scription of how that deficiency will be repaired;

1 “(E) a description of the modernization to
2 be supported with funds provided under this
3 subsection;

4 “(F) a cost estimate of the proposed mod-
5 ernization; and

6 “(G) such other information and assur-
7 ances as the Secretary may reasonably require.

8 “(6) EMERGENCY GRANTS.—

9 “(A) APPLICATIONS.—Each local edu-
10 cational agency described in paragraph
11 (2)(B)(ii) that desires a grant under this sub-
12 section shall include in the application sub-
13 mitted under paragraph (5) a signed statement
14 from an appropriate local official certifying that
15 a health or safety deficiency exists.

16 “(B) PRIORITY.—If the Secretary receives
17 more than one application from local edu-
18 cational agencies described in paragraph
19 (2)(B)(ii) for grants under this subsection for
20 any fiscal year, the Secretary shall give priority
21 to local educational agencies based on the sever-
22 ity of the emergency, as determined by the Sec-
23 retary, and when the application was received.

24 “(C) ALLOCATION; REPORTING REQUIRE-
25 MENT.—

1 “(i) ALLOCATION.—In awarding
2 grants under this subsection to local edu-
3 cational agencies described in paragraph
4 (2)(B)(ii), the Secretary shall consider all
5 applications received from local educational
6 agencies that meet the requirement of sub-
7 section (a)(2)(A) and local educational
8 agencies that meet the requirement of sub-
9 section (a)(2)(B).

10 “(ii) REPORTING REQUIREMENT.—

11 “(I) IN GENERAL.—Not later
12 than January 1 of each year, the Sec-
13 retary shall prepare and submit to the
14 appropriate congressional committees
15 a report that contains a justification
16 for each grant awarded under this
17 subsection for the prior fiscal year.

18 “(II) DEFINITION.—In this
19 clause, the term ‘appropriate congres-
20 sional committees’ means the Com-
21 mittee on Appropriations and the
22 Committee on Education and the
23 Workforce of the House of Represent-
24 atives and the Committee on Appro-
25 priations and the Committee on

1 Health, Education, Labor and Pen-
2 sions of the Senate.

3 “(D) CONSIDERATION FOR FOLLOWING
4 YEAR.—A local educational agency described in
5 paragraph (2)(B)(ii) that applies for a grant
6 under this subsection for any fiscal year and
7 does not receive the grant shall have the appli-
8 cation for the grant considered for the following
9 fiscal year, subject to the priority described in
10 subparagraph (B).

11 “(7) SUPPLEMENT NOT SUPPLANT.—An eligible
12 local educational agency shall use funds received
13 under this subsection only to supplement the amount
14 of funds that would, in the absence of such Federal
15 funds, be made available from non-Federal sources
16 for the modernization of school facilities used for
17 educational purposes, and not to supplant such
18 funds.”.

19 **SEC. 1812. STATE CONSIDERATION OF PAYMENTS IN PRO-**
20 **VIDING STATE AID.**

21 Section 8009 of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 7709) is amended—

23 (1) in subsection (a)(1), by striking “or under”
24 and all that follows through “of 1994)”;

1 (2) by amending subsection (b)(1) to read as
2 follows:

3 “(1) IN GENERAL.—A State may reduce State
4 aid to a local educational agency that receives a pay-
5 ment under section 8002 or 8003(b) (except the
6 amount calculated in excess of 1.0 under section
7 8003(a)(2)(B)) for any fiscal year if the Secretary
8 determines, and certifies under subsection (c)(3)(A),
9 that the State has in effect a program of State aid
10 that equalizes expenditures for free public education
11 among local educational agencies in the State.”; and

12 (3) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) in the matter proceeding subpara-
15 graph (A), by striking “or under” and all
16 that follows through “of 1994”]; and

17 (ii) in subparagraph (B), by striking
18 “or under” and all that follows through
19 “of 1994”]; and

20 (B) in paragraph (2), by striking “or
21 under” and all that follows through “of 1994”).

22 **SEC. 1813. FEDERAL ADMINISTRATION.**

23 Section 8010(c) of the Elementary and Secondary
24 Education Act of 1965 (20 U.S.C. 7710(c)) is amended—

25 (1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as redesignated)—

(A) in subparagraph (D), by striking “section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America’s Schools Act of 1994) or”; and

(B) in subparagraph (E)—

(i) by striking “1994” and inserting “1999”;

(ii) by striking “(or such section’s predecessor authority)”; and

(iii) by striking “paragraph (2)” and inserting “paragraph (1)”.

SEC. 1814. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE HEARINGS.—

(1) IN GENERAL.—Section 8011(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7711) is amended by adding at the end before the period the following: “if the local educational agency or State, as the case may be, submits to the Secretary a request for the hearing not

1 later than 60 days after the date of the action of the
2 Secretary under this title”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall apply with respect to an ac-
5 tion of the Secretary under title VIII of the Elemen-
6 tary and Secondary Education Act of 1965 (20
7 U.S.C. 7701 et seq.) initiated on or after the date
8 of the enactment of this Act.

9 (b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—
10 Section 8011(b)(1) of the Elementary and Secondary
11 Education Act of 1965 (20 U.S.C. 7711(b)(1)) is amended
12 by striking “60 days” and inserting “30 working days (as
13 determined by the local educational agency or State)”.

14 **SEC. 1815. FORGIVENESS OF OVERPAYMENTS.**

15 The matter preceding paragraph (1) of section 8012
16 of the Elementary and Secondary Education Act of 1965
17 (20 U.S.C. 7712) is amended by striking “under the Act”
18 and all that follows through “of 1994)” and inserting
19 “under this title’s predecessor authorities”.

20 **SEC. 1816. DEFINITIONS.**

21 Section 8013 of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 7713) is amended—

23 (1) in paragraph (5)—

24 (A) in subparagraph (A)(iii)—

1 (I) in subclause (I), by striking
2 “or” after the semicolon; and

3 (II) by adding at the end the fol-
4 lowing:

5 “(III) used for affordable hous-
6 ing assisted under the Native Amer-
7 ican Housing Assistance and Self-De-
8 termination Act of 1996; or”; and

9 (B) in subparagraph (F)(i), by striking
10 “the mutual” and all that follows through
11 “1937” and inserting “or authorized by the Na-
12 tive American Housing Assistance and Self-De-
13 termination Act of 1996”;

14 (2) in paragraph (8)(B), by striking “all
15 States” and inserting “the 50 States and the Dis-
16 trict of Columbia”;

17 (3) by redesignating paragraphs (11) and (12)
18 as paragraphs (12) and (13), respectively; and

19 (4) by inserting after paragraph (10) the fol-
20 lowing:

21 “(11) MODERNIZATION.—The term ‘moderniza-
22 tion’ means repair, renovation, alteration, or con-
23 struction, including—

24 “(A) the concurrent installation of equip-
25 ment; and

1 “(B) the complete or partial replacement
2 of an existing school facility, but only if such
3 replacement is less expensive and more cost-ef-
4 fective than repair, renovation, or alteration of
5 the school facility.”.

6 **SEC. 1817. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL
8 PROPERTY.—Section 8014(a) of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C. 7714(a)) is
10 amended—

11 (1) by striking “\$16,750,000 for fiscal year
12 1995” and inserting “\$32,000,000 for fiscal year
13 2000”; and

14 (2) by striking “four” and inserting “three”.

15 (b) BASIC PAYMENTS.—Section 8014(b) of the Ele-
16 mentary and Secondary Education Act of 1965 (20 U.S.C.
17 7714(b)) is amended—

18 (1) by striking “subsections (b) and (f) of sec-
19 tion 8003” and inserting “section 8003(b)”;

20 (2) by striking “\$775,000,000 for fiscal year
21 1995” and inserting “\$809,400,000 for fiscal year
22 2000”;

23 (3) by striking “four” and inserting “three”;
24 and

1 (4) by striking “, of which 6 percent” and all
2 that follows and inserting a period.

3 (c) PAYMENTS FOR CHILDREN WITH DISABIL-
4 ITIES.—Section 8014(c) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7714(c)) is amended—

6 (1) by striking “\$45,000,000 for fiscal year
7 1995” and inserting “\$50,000,000 for fiscal year
8 2000”; and

9 (2) by striking “four” and inserting “three”.

10 (d) PAYMENTS FOR INCREASES IN MILITARY CHIL-
11 DREN.—Subsection (d) of section 8014 of the Elementary
12 and Secondary Education Act of 1965 (20 U.S.C. 7714)
13 is repealed.

14 (e) CONSTRUCTION.—Section 8014(e) of the Elemen-
15 tary and Secondary Education Act of 1965 (20 U.S.C.
16 7714(e)) is amended—

17 (1) by striking “\$25,000,000 for fiscal year
18 1995” and inserting “\$10,052,000 for fiscal year
19 2000”; and

20 (2) by striking “four” and inserting “three”.

21 (f) FACILITIES MAINTENANCE.—Section 8014(f) of
22 the Elementary and Secondary Education Act of 1965 (20
23 U.S.C. 7714(f)) is amended—

1 (1) by striking “\$2,000,000 for fiscal year
2 1995” and inserting “\$5,000,000 for fiscal year
3 2000”; and

4 (2) by striking “four” and inserting “three”.

5 (g) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL
6 EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROP-
7 ERTY ACQUISITION.—Section 8014(g) of the Elementary
8 and Secondary Education Act of 1965 (20 U.S.C.
9 7714(g)) is amended—

10 (1) in the heading, by striking “FEDERAL
11 PROPERTY LOCAL EDUCATIONAL AGENCIES” and
12 inserting “LOCAL EDUCATIONAL AGENCIES IM-
13 PACTED BY FEDERAL PROPERTY ACQUISITION”;
14 and

15 (2) by striking “such sums as are necessary be-
16 ginning in fiscal year 1998 and for each succeeding
17 fiscal year” and inserting “\$1,500,000 for fiscal
18 year 2000 and such sums as may be necessary for
19 each of the three succeeding fiscal years”.

20 **SEC. 1818. EFFECTIVE DATE.**

21 This title, and the amendments made by this title,
22 shall take effect on October 1, 2000, or the date of the
23 enactment of this Act, whichever occurs later.

**DIVISION B—MILITARY CON-
STRUCTION AUTHORIZA-
TIONS**

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construc-
tion Authorization Act for Fiscal Year 2001”.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2000 projects.

Sec. 2106. Modification of authority to carry out certain fiscal year 1999 projects.

Sec. 2107. Modification of authority to carry out fiscal year 1998 project.

Sec. 2108. Authority to accept funds for realignment of certain military construction project, Fort Campbell, Kentucky.

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND
ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	\$39,000,000
Alaska	Fort Richardson	\$3,000,000
Arizona	Fort Huachuca	\$4,600,000
Arkansas	Pine Bluff Arsenal	\$2,750,000
California	Fort Irwin	\$31,000,000
	Presidio, Monterey	\$2,600,000

Army: Inside the United States—Continued

State	Installation or location	Amount
Georgia	Fort Benning	\$15,800,000
	Fort Gordon	\$2,600,000
Hawaii	Pohakoula Training Facility	\$32,000,000
	Schofield Barracks	\$43,800,000
Kansas	Fort Riley	\$22,000,000
Kentucky	Fort Knox	\$550,000
Maryland	Fort Meade	\$19,000,000
Missouri	Fort Leonard Wood	\$65,400,000
New Jersey	Picatinny Arsenal	\$5,600,000
New York	Fort Drum	\$18,000,000
North Carolina	Fort Bragg	\$222,200,000
	Sunny Point Army Terminal	\$2,300,000
Ohio	Columbus	\$1,832,000
Pennsylvania	Carlisle Barracks	\$10,500,000
	New Cumberland Army Depot	\$3,700,000
Texas	Fort Bliss	\$26,000,000
	Fort Hood	\$36,492,000
Virginia	Red River Army Depot	\$800,000
	Fort Evans	\$4,450,000
Total:		\$615,974,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army
4 may acquire real property and carry out military construc-
5 tion projects for the locations outside the United States,
6 and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Area Support Group, Bamberg	\$11,650,000
	Area Support Group, Darmstadt	\$11,300,000
	Kaiserslautern	\$3,400,000
	Mannheim	\$4,050,000
Korea	Camp Carroll	\$10,000,000
	Camp Hovey	\$30,200,000
	Camp Humphreys	\$14,200,000
	Camp Page	\$19,500,000
Puerto Rico	Yongpyong	\$11,850,000
	Fort Buchanan	\$3,700,000
Total:		\$119,850,000

7 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-
8 propriated pursuant to the authorization of appropriations
9 in section 2104(a)(3), the Secretary of the Army may ac-

1 quire real property and carry out military construction
 2 projects for the installation and location, and in the
 3 amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	\$11,000,000

4 **SEC. 2102. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2104(a)(6)(A), the Secretary of the
 8 Army may construct or acquire family housing units (in-
 9 cluding land acquisition) at the installations, for the pur-
 10 poses, and in the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	75 Units	\$24,000,000
Arizona	Fort Huachuca	110 Units	\$16,224,000
California	Fort Irwin	24 Units	\$4,700,000
Hawaii	Schofield Barracks	72 Units	\$15,500,000
Kentucky	Fort Campbell	184 Units	\$27,800,000
Maryland	Fort Detrick	48 Units	\$5,600,000
Missouri	Fort Leonard Wood	24 Units	\$4,150,000
North Carolina	Fort Bragg	160 Units	\$22,000,000
South Carolina	Fort Jackson	1 Unit	\$250,000
Texas	Fort Bliss	64 Units	\$10,200,000
Virginia	Fort Lee	52 Units	\$8,600,000
Korea	Camp Humphreys	60 Units	\$21,800,000
Puerto Rico	Fort Buchanan	31 Units	\$5,000,000
Total:	\$165,824,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-
 12 priated pursuant to the authorization of appropriations in
 13 section 2104(a)(6)(A), the Secretary of the Army may
 14 carry out architectural and engineering services and con-
 15 struction design activities with respect to the construction

1 or improvement of family housing units in an amount not
2 to exceed \$6,542,000.

3 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
4 **UNITS.**

5 Subject to section 2825 of title 10, United States
6 Code, and using amounts appropriated pursuant to the
7 authorization of appropriations in section 2104(a)(6)(A),
8 the Secretary of the Army may improve existing military
9 family housing units in an amount not to exceed
10 \$63,590,000.

11 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

12 (a) IN GENERAL.—Funds are hereby authorized to
13 be appropriated for fiscal years beginning after September
14 30, 2000, for military construction, land acquisition, and
15 military family housing functions of the Department of the
16 Army in the total amount of \$1,925,344,000, as follows:

17 (1) For military construction projects inside the
18 United States authorized by section 2101(a),
19 \$419,374,000.

20 (2) For military construction projects outside
21 the United States authorized by section 2101(b),
22 \$119,850,000.

23 (3) For a military construction project at an
24 unspecified worldwide location authorized by section
25 2101(c), \$11,000,000.

1 (4) For unspecified minor construction projects
2 authorized by section 2805 of title 10, United States
3 Code, \$20,700,000.

4 (5) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$109,306,000.

7 (6) For military family housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$235,956,000.

11 (B) For support of military family housing
12 (including the functions described in section
13 2833 of title 10, United States Code),
14 \$971,704,000.

15 (7) For the construction of phase 1C of a bar-
16 racks complex, Infantry Drive, Fort Riley, Kansas,
17 authorized by section 2101(a) of the Military Con-
18 struction Act for Fiscal Year 1999 (division B of
19 Public Law 105–261; 112 Stat. 2182), \$10,000,000.

20 (8) For the construction of a railhead facility,
21 Fort Hood, Texas, authorized by section 2101(a) of
22 the Military Construction Authorization Act for Fis-
23 cal Year 1999 (112 Stat. 2182), as amended by sec-
24 tion 2106 of this Act, \$9,800,000.

1 (9) For the construction of a chemical defense
2 qualification facility, Pine Bluff Arsenal, Arkansas,
3 authorized by section 2101(a) of the Military Con-
4 struction Authorization Act for Fiscal Year 2000
5 (division B of Public Law 106–65; 113 Stat. 825),
6 \$2,592,000.

7 (10) For the construction of phase 1B of a bar-
8 racks complex, Wilson Street, Schofield Barracks,
9 Hawaii, authorized by section 2101(a) of the Mili-
10 tary Construction Authorization Act for Fiscal Year
11 2000 (113 Stat. 825), \$22,400,000.

12 (11) For the construction of phase 2B of a bar-
13 racks complex, Tagaytay Street, Fort Bragg, North
14 Carolina, authorized by section 2101(a) of the Mili-
15 tary Construction Authorization Act for Fiscal Year
16 2000 (113 Stat. 825), \$3,108,000.

17 (12) For the construction of phase 2 of a tac-
18 tical equipment shop, Fort Sill, Oklahoma, author-
19 ized by section 2101(a) of the Military Construction
20 Authorization Act for Fiscal Year 2000 (113 Stat.
21 825), \$10,100,000.

22 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
23 PROJECTS.—Notwithstanding the cost variations author-
24 ized by section 2853 of title 10, United States Code, and
25 any other cost variations authorized by law, the total cost

1 of all projects carried out under section 2101 of this Act
2 may not exceed—

3 (1) the total amount authorized to be appro-
4 priated under paragraphs (1) and (2) of subsection
5 (a);

6 (2) \$22,600,000 (the balance of the amount au-
7 thorized under section 2101(a) for the construction
8 of a Basic Training Complex at Fort Leonard Wood,
9 Missouri);

10 (3) \$10,000,000 (the balance of the amount au-
11 thorized under section 2101(a) for construction of a
12 Multipurpose Digital Training Range at Fort Hood,
13 Texas);

14 (4) \$34,000,000 (the balance of the amount au-
15 thorized under section 2101(a) for construction of
16 phase I of a barracks complex, Longstreet Road,
17 Fort Bragg, North Carolina);

18 (5) \$104,000,000 (the balance of the amount
19 authorized under section 2101(a) for the construc-
20 tion phase I of a barracks complex, Bunter Road,
21 Fort Bragg, North Carolina);

22 (6) \$6,000,000 (the balance of the amount au-
23 thorized under section 2101(a) for the construction
24 of a battle simulation center at Fort Drum, New
25 York); and

1 (7) \$20,000,000 (the balance of the amount au-
2 thorized under section 2101(a) for the construction
3 of Saddle Access Road, Pohakuloa Training Facility,
4 Hawaii).

5 (c) ADJUSTMENT.—The total amount authorized to
6 be appropriated pursuant to paragraphs (1) through (12)
7 of subsection (a) is the sum of the amounts authorized
8 to be appropriated in such paragraphs, reduced by—

9 (1) \$635,000, which represents the combination
10 of savings resulting from adjustments to foreign cur-
11 rency exchange rates for military construction out-
12 side the United States; and

13 (2) \$19,911,000 which represents the combina-
14 tion of savings resulting from adjustments to foreign
15 currency exchange rates for military family housing
16 construction and military family housing support
17 outside the United States.

18 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
19 **CERTAIN FISCAL YEAR 2000 PROJECTS.**

20 (a) CONSTRUCTION PROJECTS INSIDE THE UNITED
21 STATES.—The table in section 2101(a) of the Military
22 Construction Authorization Act for Fiscal Year 2000 (di-
23 vision B of Public Law 106–65; 113 Stat. 825) is
24 amended—

1 (1) in the item relating to Fort Stewart, Geor-
 2 gia, by striking “\$71,700,000” in the amount col-
 3 umn and inserting “\$25,700,000”;

4 (2) by striking the item relating to Fort Riley,
 5 Kansas;

6 (3) in the item relating to CONUS Various, by
 7 striking “\$36,400,000” in the amount column and
 8 inserting “\$138,900,000”; and

9 (4) by striking the amount identified as the
 10 total in the amount column and inserting
 11 “\$1,059,250,000”.

12 (b) UNSPECIFIED MINOR CONSTRUCTION
 13 PROJECTS.—Subsection (a)(3) of section 2104 of the Mili-
 14 tary Construction Authorization Act for Fiscal Year 2000
 15 (113 Stat. 826) is amended by striking “\$9,500,000” and
 16 inserting “\$14,600,000”.

17 (c) CONFORMING AMENDMENTS.—Section 2104 of
 18 the Military Construction Authorization Act for Fiscal
 19 Year 2000 is further amended—

20 (1) in the matter preceding subsection (a), by
 21 striking “\$2,353,231,000” and inserting
 22 “\$2,358,331,000”; and

23 (2) in subsection (b), by striking paragraph (7)
 24 and inserting the following new paragraph:

1 “(7) \$102,500,000 (the balance of the amount
2 authorized under section 2101(a) for Army construc-
3 tion and land acquisition projects covered under the
4 item relating to CONUS Various, as amended by
5 section 2105 of the Military Construction Authoriza-
6 tion Act for Fiscal Year 2001).

7 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
8 **CERTAIN FISCAL YEAR 1999 PROJECTS.**

9 (a) MODIFICATION.—The table in section 2101 of the
10 Military Construction Authorization Act for Fiscal Year
11 1999 (division B of Public Law 105–261; 112 Stat. 2182)
12 is amended—

13 (1) in the item relating to Fort Hood, Texas,
14 by striking “\$32,500,000” in the amount column
15 and inserting “\$45,300,000”;

16 (2) in the item relating to Fort Riley, Kansas,
17 by striking “\$41,000,000” in the amount column
18 and inserting “\$44,500,000”; and

19 (3) by striking the amount identified as the
20 total in the amount column and inserting
21 “\$785,081,000”.

22 (b) CONFORMING AMENDMENTS.—Section 2104 of
23 that Act (112 Stat. 2184) is amended—

24 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “\$2,098,713,000” and inserting
3 “\$2,111,513,000”; and

4 (B) in paragraph (1), by striking
5 “\$609,781,000” and inserting “\$622,581,000”;
6 and

7 (2) in subsection (b)(7), by striking
8 “\$24,500,000” and inserting “\$28,000,000”.

9 **SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT**
10 **FISCAL YEAR 1998 PROJECT.**

11 (a) MODIFICATION.—The table in section 2101(a) of
12 the Military Construction Authorization Act for Fiscal
13 Year 1998 (division B of Public Law 105–85; 111 Stat.
14 1967), as amended by section 2105(a) of the Military Con-
15 struction Authorization Act for Fiscal Year 1999 (division
16 B of Public Law 105–261; 112 Stat. 2185), is amended—

17 (1) in the item relating to Hunter Army Air-
18 field, Fort Stewart, Georgia, by striking
19 “\$54,000,000” in the amount column and inserting
20 “\$57,500,000”; and

21 (2) by striking the amount identified as the
22 total in the amount column and inserting
23 “\$606,250,000”.

24 (b) CONFORMING AMENDMENT.—Section 2104(b)(5)
25 of the Military Construction Authorization Act for Fiscal

1 Year 1998 (111 Stat. 1969) is amended by striking
2 “\$42,500,000” and inserting “\$46,000,000”.

3 **SEC. 2108. AUTHORITY TO ACCEPT FUNDS FOR REALIGN-**
4 **MENT OF CERTAIN MILITARY CONSTRUCTION**
5 **PROJECT, FORT CAMPBELL, KENTUCKY.**

6 (a) **AUTHORITY TO ACCEPT FUNDS.**—(1) The Sec-
7 retary of the Army may accept funds from the Federal
8 Highway Administration or the Commonwealth of Ken-
9 tucky for purposes of funding all costs associated with the
10 realignment of the military construction project involving
11 a rail connector located at Fort Campbell, Kentucky, as
12 authorized in section 2101(a) of the Military Construction
13 Authorization Act for Fiscal Year 1997 (division B of
14 Public Law 104–201; 110 Stat. 2763).

15 (2) Any funds accepted under paragraph (1) shall be
16 credited to the account of the Department of the Army
17 from which the costs of the realignment of the military
18 construction project described in that paragraph are to be
19 paid.

20 (b) **USE OF FUNDS.**—(1) The Secretary may use
21 funds accepted under subsection (a) for any costs associ-
22 ated with the realignment of the military construction
23 project described in that subsection in addition to any
24 amounts authorized and appropriated for the military con-
25 struction project.

(2) For purposes of paragraph (1), the costs associated with the realignment of the military construction project described in subsection (a) include redesign costs, additional construction costs, additional costs due to construction delays related to the realignment, and additional real estate costs.

(3) Funds accepted under subsection (a) shall remain available for use under paragraph (1) until expended.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out fiscal year 1997 project at Marine Corps Combat Development Command, Quantico, Virginia.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	\$8,200,000
	Navy Detachment, Camp Navajo	\$2,940,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	\$23,870,000
	Marine Corps Air Station, Miramar	\$13,740,000
	Marine Corps Base, Camp Pendleton	\$8,100,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Marine Corps Logistics Base, Barstow ...	\$6,660,000
	Naval Air Station, Lemoore	\$12,050,000
	Naval Air Warfare Center Weapons Division, Point Mugu	\$11,400,000
	Naval Aviation Depot, North Island	\$4,340,000
	Naval Facility, San Clemente Island	\$8,860,000
	Naval Postgraduate School, Monterey	\$5,280,000
	Naval Ship Weapons Systems Engineering Station, Port Hueneme	\$10,200,000
	Naval Station, San Diego	\$53,200,000
Connecticut	Naval Submarine Base, New London	\$3,100,000
CONUS Various	CONUS Various	\$11,500,000
District of Columbia	Marine Corps Barracks	\$24,597,000
	Naval District, Washington	\$2,450,000
	Naval Research Laboratory, Washington	\$12,390,000
Florida	Naval Air Station, Whiting Field	\$5,130,000
	Naval Surface Warfare Center Wastal Systems Station, Panama City	\$9,960,000
	Naval Station, Mayport	\$6,830,000
	Naval Surface Warfare Center Detachment, Ft. Lauderdale	\$3,570,000
Georgia	Marine Corps Logistics Base, Albany	\$1,100,000
	Navy Supply Corps School, Athens	\$2,950,000
	Trident Refit Facility, Kings Bay	\$5,200,000
Hawaii	Fleet Industrial Supply Center, Pearl Harbor	\$12,000,000
	Naval Undersea Weapons Station Detachment, Lualualei	\$2,100,000
	Marine Corps Air Station, Kaneohe	\$18,400,000
	Naval Station, Pearl Harbor	\$37,600,000
Illinois	Naval Training Center, Great Lakes	\$121,400,000
Maine	Naval Air Station, Brunswick	\$2,450,000
	Naval Shipyard, Portsmouth	\$4,960,000
Maryland	Naval Explosive Ordnance Disposal Technology Center, Indian Head	\$6,430,000
	Naval Air Station, Patuxent River	\$8,240,000
Mississippi	Naval Air Station, Meridian	\$4,700,000
	Naval Oceanographic Office, Stennis Space Center	\$6,950,000
Nevada	Naval Air Station, Fallon	\$6,280,000
New Jersey	Naval Weapons Station, Earle	\$2,420,000
North Carolina	Marine Corps Air Station, Cherry Point	\$8,480,000
	Marine Corps Air Station, New River	\$3,400,000
	Marine Corps Base, Camp Lejeune	\$45,870,000
	Naval Aviation Depot, Cherry Point	\$7,540,000
Pennsylvania	Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia	\$10,680,000
Rhode Island	Naval Undersea Warfare Center Division, Newport	\$4,150,000
South Carolina	Marine Corps Air Station, Beaufort	\$3,140,000
	Marine Corps Recruit Depot, Parris Island	\$2,660,000
Texas	Naval Air Station, Corpus Christi	\$4,850,000
	Naval Air Station, Kingsville	\$2,670,000
	Naval Station, Ingleside	\$2,420,000
Virginia	AEGIS Combat Systems Center, Wallops Island	\$3,300,000
	Marine Corps Combat Development Command, Quantico	\$8,590,000
	Naval Air Station, Norfolk	\$31,450,000
	Naval Air Station, Oceana	\$5,250,000
	Naval Amphibious Base, Little Creek	\$2,830,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Washington	Naval Shipyard, Norfolk, Portsmouth	\$16,100,000
	Naval Station, Norfolk	\$4,700,000
	Naval Surface Warfare Center, Dahlgren	\$30,700,000
	Naval Shipyard, Bremerton, Puget Sound	\$100,740,000
	Naval Station, Bremerton	\$11,930,000
	Naval Station, Everett	\$5,500,000
	Naval Submarine Base, Bangor	\$4,600,000
	Strategic Weapons Facility Pacific, Bremerton	\$1,400,000
	Total:	\$811,497,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and
6 in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit	\$19,400,000
Italy	Naval Air Station, Sigonella	\$32,969,000
Various Locations	Naval Support Activity, Naples	\$15,000,000
	Host Nation Infrastructure Support	\$142,000
	Total:	\$67,511,000

7 **SEC. 2202. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2204(a)(5)(A), the Secretary of the
11 Navy may construct or acquire family housing units (in-
12 cluding land acquisition) at the installations, for the pur-
13 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	79 Units	\$13,923,000
	Naval Air Station, Lemoore	260 Units	\$47,871,000
Hawaii	Commander Naval Base, Pearl Harbor	112 Units	\$23,654,000
	Commander Naval Base, Pearl Harbor	62 Units	\$14,237,000
	Commander Naval Base, Pearl Harbor	98 Units	\$22,230,000
	Marine Corps Air Station, Kaneohe Bay	84 Units	\$21,910,000
Louisiana	Naval Air Station, New Orleans	34 Units	\$5,000,000
Maine	Naval Air Station, Bruns- wick	168 Units	\$18,722,000
Mississippi	Naval Construction Bat- talion Center, Gulfport ..	157 Units	\$20,700,000
Washington	Naval Air Station, Whidbey Island	98 Units	\$16,873,000
		Total:	\$205,120,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2204(a)(5)(A), the Secretary of the Navy may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of military family housing units in an
7 amount not to exceed \$19,958,000.

8 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2204(a)(5)(A),
13 the Secretary of the Navy may improve existing military
14 family housing units in an amount not to exceed
15 \$193,077,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 (a) IN GENERAL.—Funds are hereby authorized to
3 be appropriated for fiscal years beginning after September
4 30, 2000, for military construction, land acquisition, and
5 military family housing functions of the Department of the
6 Navy in the total amount of \$2,227,995,000, as follows:

7 (1) For military construction projects inside the
8 United States authorized by section 2201(a),
9 \$750,257,000.

10 (2) For military construction projects outside
11 the United States authorized by section 2201(b),
12 \$67,511,000.

13 (3) For unspecified minor construction projects
14 authorized by section 2805 of title 10, United States
15 Code, \$11,659,000.

16 (4) For architectural and engineering services
17 and construction design under section 2807 of title
18 10, United States Code, \$73,335,000.

19 (5) For military family housing functions:

20 (A) For construction and acquisition, plan-
21 ning and design, and improvement of military
22 family housing and facilities, \$418,155,000.

23 (B) For support of military housing (in-
24 cluding functions described in section 2833 of
25 title 10, United States Code), \$882,638,000.

1 (6) For construction of a berthing wharf at
2 Naval Air Station, North Island, California, author-
3 ized by section 2201(a) of the Military Construction
4 Authorization Act for Fiscal Year 2000 (division B
5 of Public Law 106–65; 113 Stat. 828), \$12,800,000.

6 (7) For construction of the Commander-in-
7 Chief Headquarters, Pacific Command, Camp H.M.
8 Smith, Hawaii, authorized by section 2201(a) of the
9 Military Construction Authorization Act for Fiscal
10 Year 2000, \$35,600,000.

11 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
12 PROJECTS.—Notwithstanding the cost variations author-
13 ized by section 2853 of title 10, United States Code, and
14 any other cost variation authorized by law, the total cost
15 of all projects carried out under section 2201 of this Act
16 may not exceed—

17 (1) the total amount authorized to be appro-
18 priated under paragraphs (1) and (2) of subsection
19 (a);

20 (2) \$17,500,000 (the balance of the amount au-
21 thorized under section 2201(a) for repair of a pier
22 at Naval Station, San Diego, California);

23 (3) \$24,460,000 (the balance of the amount au-
24 thorized under section 2201(a) for replacement of a

1 pier at Naval Shipyard, Bremerton, Puget Sound,
2 Washington); and

3 (4) \$10,280,000 (the balance of the amount au-
4 thorized under section 2201(a) for construction of
5 an industrial skills center at Naval Shipyard, Brem-
6 erton, Puget Sound, Washington).

7 (c) ADJUSTMENTS.—The total amount authorized to
8 be appropriated pursuant to paragraphs (1) through (7)
9 of subsection (a) is the sum of the amounts authorized
10 to be appropriated in such paragraphs, reduced by—

11 (1) \$2,889,000, which represents the combina-
12 tion of savings resulting from adjustments to foreign
13 currency exchange rates for military construction
14 outside the United States;

15 (2) \$20,000,000, which represents the combina-
16 tion of project savings in military construction re-
17 sulting from favorable bids, reduced overhead
18 charges, and cancellations due to force structure
19 changes; and

20 (3) \$1,071,000, which represents the combina-
21 tion of savings resulting from adjustments to foreign
22 currency exchange rates for military family housing
23 support outside the United States.

1 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
 2 **FISCAL YEAR 1997 PROJECT AT MARINE**
 3 **CORPS COMBAT DEVELOPMENT COMMAND,**
 4 **QUANTICO, VIRGINIA.**

5 The Secretary of the Navy may carry out a military
 6 construction project involving infrastructure development
 7 at the Marine Corps Combat Development Command,
 8 Quantico, Virginia, in the amount of \$8,900,000, using
 9 amounts appropriated pursuant to the authorization of ap-
 10 propriations in section 2204(a)(1) of the Military Con-
 11 struction Authorization Act for Fiscal Year 1997 (division
 12 B of Public Law 104–201; 110 Stat. 2769) for a military
 13 construction project involving a sanitary landfill at that
 14 installation, as authorized by section 2201(a) of that Act
 15 (110 Stat. 2767) and extended by section 2702 of the
 16 Military Construction Authorization Act for Fiscal Year
 17 2000 (division B of Public Law 106–65; 113 Stat. 842)
 18 and section 2703 of this Act.

19 **TITLE XXIII—AIR FORCE**

Sec. 2301. Authorized Air Force construction and land acquisition projects.
 Sec. 2302. Family housing.
 Sec. 2303. Improvements to military family housing units.
 Sec. 2304. Authorization of appropriations, Air Force.

20 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 21 **LAND ACQUISITION PROJECTS.**

22 (a) **INSIDE THE UNITED STATES.**—Using amounts
 23 appropriated pursuant to the authorization of appropria-

tions in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$3,825,000
Alaska	Cape Romanzof	\$3,900,000
	Eielson Air Force Base	\$40,990,000
	Elmendorf Air Force Base	\$35,186,000
Arizona	Davis-Monthan Air Force Base	\$7,900,000
Arkansas	Little Rock Air Force Base	\$18,319,000
California	Beale Air Force Base	\$10,099,000
	Los Angeles Air Force Base	\$6,580,000
	Vandenberg Air Force Base	\$4,650,000
Colorado	Buckley Air National Guard Base ..	\$2,750,000
	Peterson Air Force Base	\$22,396,000
	Schriever Air Force Base	\$8,450,000
	United States Air Force Academy ..	\$18,960,000
CONUS Classified	Classified Location	\$1,810,000
District of Columbia	Bolling Air Force Base	\$4,520,000
Florida	Eglin Air Force Base	\$8,940,000
	Eglin Auxiliary Field 9	\$7,960,000
	Patrick Air Force Base	\$12,970,000
	Tyndall Air Force Base	\$31,495,000
Georgia	Fort Stewart/Hunter Army Air Field	\$4,920,000
	Moody Air Force Base	\$11,318,000
	Robins Air Force Base	\$15,857,000
Hawaii	Hickam Air Force Base	\$4,620,000
Idaho	Mountain Home Air Force Base	\$10,125,000
Illinois	Scott Air Force Base	\$3,830,000
Kansas	McConnell Air Force Base	\$11,864,000
Louisiana	Barksdale Air Force Base	\$20,464,000
Massachusetts	Hanscom Air Force Base	\$12,000,000
Mississippi	Columbus Air Force Base	\$4,828,000
	Keesler Air Force Base	\$15,040,000
Missouri	Whiteman Air Force Base	\$12,050,000
Montana	Malmstrom Air Force Base	\$11,179,000
New Jersey	McGuire Air Force Base	\$29,772,000
New Mexico	Cannon Air Force Base	\$4,934,000
	Holloman Air Force Base	\$18,380,000
	Kirtland Air Force Base	\$7,350,000
North Carolina	Pope Air Force Base	\$24,570,000
	Seymour Johnson Air Force Base ..	\$7,141,000
Ohio	Wright-Patterson Air Force Base ..	\$37,508,000
Oklahoma	Altus Air Force Base	\$2,939,000
	Tinker Air Force Base	\$26,895,000
	Vance Air Force Base	\$10,504,000
South Carolina	Charleston Air Force Base	\$22,238,000
	Shaw Air Force Base	\$8,102,000
South Dakota	Ellsworth Air Force Base	\$10,290,000
Texas	Dyess Air Force Base	\$24,988,000
	Lackland Air Force Base	\$10,330,000
	Laughlin Air Force Base	\$11,973,000
	Sheppard Air Force Base	\$6,450,000
Utah	Hill Air Force Base	\$28,050,000
Virginia	Langley Air Force Base	\$19,650,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Washington	Fairchild Air Force Base	\$7,926,000
	McChord Air Force Base	\$10,250,000
Wyoming	F.E. Warren Air Force Base	\$25,720,000
	Total:	\$745,755,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Diego Garcia	Diego Garcia	\$5,475,000
Italy	Aviano Air Base	\$8,000,000
Korea	Kunsan Air Base	\$6,400,000
	Osan Air Base	\$21,948,000
Spain	Naval Station, Rota	\$5,052,000
Turkey	Incirlik Air Base	\$1,000,000
	Total:	\$47,875,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
California	Edwards Air Force Base ...	57 Units	\$9,870,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
District of Columbia	Travis Air Force Base	64 Units	\$9,870,000
	Bolling Air Force Base	136 Units	\$17,137,000
Idaho	Mountain Home Air Force Base	119 Units	\$10,598,000
Nevada	Nellis Air Force Base	26 Units	\$5,000,000
North Dakota	Cavalier Air Force Station	2 Units	\$443,000
	Minot Air Force Base	134 Units	\$19,097,000
		Total:	\$72,015,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2304(a)(5)(A), the Secretary of the Air Force may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of military family housing units in an
7 amount not to exceed \$12,760,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2304(a)(5)(A),
13 the Secretary of the Air Force may improve existing mili-
14 tary family housing units in an amount not to exceed
15 \$174,046,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
17 **FORCE.**

18 (a) IN GENERAL.—Funds are hereby authorized to
19 be appropriated for fiscal years beginning after September
20 30, 2000, for military construction, land acquisition, and

1 military family housing functions of the Department of the
2 Air Force in the total amount of \$1,943,069,000, as fol-
3 lows:

4 (1) For military construction projects inside the
5 United States authorized by section 2301(a),
6 \$736,355,000.

7 (2) For military construction projects outside
8 the United States authorized by section 2301(b),
9 \$47,875,000.

10 (3) For unspecified minor construction projects
11 authorized by section 2805 of title 10, United States
12 Code, \$11,350,000.

13 (4) For architectural and engineering services
14 and construction design under section 2807 of title
15 10, United States Code, \$74,628,000.

16 (5) For military housing functions:

17 (A) For construction and acquisition, plan-
18 ning and design, and improvement of military
19 family housing and facilities, \$258,821,000.

20 (B) For support of military family housing
21 (including functions described in section 2833
22 of title 10, United States Code), \$826,271,000.

23 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
24 PROJECTS.—Notwithstanding the cost variations author-
25 ized by section 2853 of title 10, United States Code, and

1 any other cost variation authorized by law, the total cost
 2 of all projects carried out under section 2301 of this Act
 3 may not exceed—

4 (1) the total amount authorized to be appro-
 5 priated under paragraphs (1) and (2) of subsection
 6 (a); and

7 (2) \$9,400,000 (the balance of the amount au-
 8 thorized under section 2301(a) for the construction
 9 of an air freight terminal and base supply complex
 10 at McGuire Air Force Base, New Jersey).

11 (c) ADJUSTMENT.—The total amount authorized to
 12 be appropriated pursuant to paragraphs (1) through (5)
 13 of subsection (a) is the sum of the amounts authorized
 14 to be appropriated in such paragraphs, reduced by
 15 \$12,231,000, which represents the combination of savings
 16 resulting from adjustments to foreign currency exchange
 17 rates for military family housing construction and military
 18 family housing support outside the United States.

19 **TITLE XXIV—DEFENSE** 20 **AGENCIES**

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Modification of authority to carry out certain fiscal year 1990 project.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization	Aberdeen Proving Ground	\$3,100,000
Defense Education Activity ..	Camp Lejeune, North Carolina	\$5,914,000
	Laurel Bay, South Carolina	\$804,000
Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania	\$17,700,000
	Defense Fuel Support Point, Cherry Point, North Carolina	\$5,700,000
	Defense Fuel Support Point, MacDill Air Force Base, Florida ..	\$16,956,000
	Defense Fuel Support Point, McConnell Air Force Base, Kansas	\$11,000,000
	Defense Fuel Support Point, Naval Air Station, Fallon, Nevada	\$5,000,000
	Defense Fuel Support Point, North Island, California	\$5,900,000
	Defense Fuel Support Point, Oceana Naval Air Station, Virginia	\$2,000,000
	Defense Fuel Support Point, Patuxent River, Maryland	\$8,300,000
	Defense Fuel Support Point, Twentynine Palms, California	\$2,200,000
	Defense Supply Center, Richmond, Virginia	\$4,500,000
National Security Agency	Fort Meade, Maryland	\$4,228,000
Special Operations Command	Eglin Auxiliary Field 9, Florida	\$23,204,000
	Fleet Combat Training Center, Dam Neck, Virginia	\$5,500,000
	Fort Bragg, North Carolina	\$8,600,000
	Fort Campbell, Kentucky	\$16,300,000
	Naval Air Station, North Island, California	\$1,350,000
	Naval Air Station, Oceana, Virginia	\$3,400,000
	Naval Amphibious Base, Coronado, California	\$4,300,000
	Naval Amphibious Base, Little Creek, Virginia	\$5,400,000
	Pearl Harbor, Hawaii	\$9,900,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
TRICARE Management Activity	Edwards Air Force Base, California	\$17,900,000
	Marine Corps Base, Camp Pendleton, California	\$14,150,000
	Eglin Air Force Base, Florida	\$37,600,000
	Fort Drum, New York	\$1,400,000
	Patrick Air Force Base, Florida	\$2,700,000
	Tyndall Air Force Base, Florida	\$7,700,000
	William Beaumont Medical Center, Texas	\$4,200,000
	Total:	\$256,906,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity ..	Hanau, Germany	\$2,030,000
	Hohenfels, Germany	\$13,774,000
	Osan, Korea	\$892,000
	Royal Air Force, Feltwell, United Kingdom	\$1,800,000
	Royal Air Force, Lakenheath, United Kingdom	\$5,650,000
	Schweinfurt, Germany	\$1,750,000
	Seoul, Korea	\$2,451,000
	Sigonella, Italy	\$3,450,000
	Taegu, Korea	\$806,000
	Wuerzburg, Germany	\$2,635,000
Defense Finance and Accounting Service	Kleber Kaserne, Germany	\$7,500,000
Defense Logistics Agency	Defense Fuel Support Point, Andersen Air Force Base, Guam	\$36,000,000
	Defense Fuel Support Point, Marine Corps Air Station, Iwakuni, Japan	\$22,400,000
	Defense Fuel Support Point, Misawa Air Base, Japan	\$26,400,000
	Defense Fuel Support Point, Royal Air Force, Mildenhall, United Kingdom	\$10,000,000
	Defense Fuel Support Point, Sigonella, Italy	\$16,300,000
Defense Threat Reduction Agency	Darmstadt, Germany	\$2,450,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
Special Operations Command TRICARE Management Agency	Roosevelt Roads, Puerto Rico	\$1,241,000
	Taegu, Korea	\$1,450,000
	Kitzingen, Germany	\$1,400,000
	Wiesbaden Air Base, Germany	\$7,187,000
	Total:	\$167,566,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations, and in the amounts, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Unspecified Worldwide	\$451,135,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of \$15,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing

1 functions of the Department of Defense (other than the
2 military departments), in the total amount of
3 \$1,883,902,000 as follows:

4 (1) For military construction projects inside the
5 United States authorized by section 2401(a),
6 \$256,906,000.

7 (2) For military construction projects outside
8 the United States authorized by section 2401(b),
9 \$167,566,000.

10 (3) For military construction projects at un-
11 specified worldwide locations authorized by section
12 2401(c), \$85,095,000.

13 (4) For unspecified minor construction projects
14 under section 2805 of title 10, United States Code,
15 \$17,390,000.

16 (5) For contingency construction projects of the
17 Secretary of Defense under section 2804 of title 10,
18 United States Code, \$6,000,000.

19 (6) For architectural and engineering services
20 and construction design under section 2807 of title
21 10, United States Code, \$77,505,000.

22 (7) For energy conservation projects authorized
23 by section 2402 of this Act, \$15,000,000.

24 (8) For base closure and realignment activities
25 as authorized by the Defense Base Closure and Re-

1 alignment Act of 1990 (part A of title XXIX of
2 Public Law 101–510; 10 U.S.C. 2687 note),
3 \$1,024,369,000.

4 (9) For military family housing functions, for
5 support of military housing (including functions de-
6 scribed in section 2833 of title 10, United States
7 Code), \$44,886,000 of which not more than
8 \$38,478,000 may be obligated or expended for the
9 leasing of military family housing units worldwide.

10 (10) For the construction of an ammunition de-
11 militarization facility, Pine Bluff Arsenal, Arkansas,
12 authorized by section 2401(a) of the Military Con-
13 struction Authorization Act for Fiscal Year 1995
14 (division B of Public Law 103–337; 108 Stat.
15 3040), as amended by section 2407 of the Military
16 Construction Authorization Act for Fiscal Year 1996
17 (division B of Public Law 104–106; 110 Stat. 539),
18 section 2408 of the Military Construction Authoriza-
19 tion Act for Fiscal Year 1998 (division B of Public
20 Law 105–85; 111 Stat. 1982), and section 2406 of
21 the Military Construction Authorization Act for Fis-
22 cal Year 1999 (division B of Public Law 105–261;
23 112 Stat. 2197), \$43,600,000.

24 (11) For the construction of phase 6 of an am-
25 munition demilitarization facility, Umatilla Army

1 Depot, Oregon, authorized by section 2401(a) of the
2 Military Construction Authorization Act for Fiscal
3 Year 1995, as amended by section 2407 of the Mili-
4 tary Construction Authorization Act for Fiscal Year
5 1996, section 2408 of the Military Construction Au-
6 thorization Act for Fiscal Year 1998, and section
7 2406 of the Military Construction Authorization Act
8 for Fiscal Year 1999, \$9,400,000.

9 (12) For the construction of phase 2 of an am-
10 munition demilitarization facility, Pueblo Army
11 Depot, Colorado, authorized by section 2401(a) of
12 the Military Construction Authorization Act for Fis-
13 cal Year 1997 (division B of Public Law 104–201;
14 110 Stat. 2775), as amended by section 2406 of the
15 Military Construction Authorization Act for Fiscal
16 Year 2000 (division B of Public Law 106–65; 113
17 Stat. 839), \$10,700,000.

18 (13) For the construction of phase 3 of an am-
19 munition demilitarization facility, Newport Army
20 Depot, Indiana, authorized by section 2401(a) of the
21 Military Construction Authorization Act for Fiscal
22 Year 1999 (112 Stat. 2193), \$54,400,000.

23 (14) For the construction of phase 3 of an am-
24 munition demilitarization facility, Aberdeen Proving
25 Ground, Maryland, authorized by section 2401(a) of

1 the Military Construction Authorization Act for Fis-
2 cal Year 1999, \$45,700,000.

3 (15) For construction of a replacement hospital
4 at Fort Wainwright, Alaska, authorized by section
5 2401(a) of the Military Construction Authorization
6 Act for Fiscal Year 2000 (113 Stat. 836),
7 \$44,000,000.

8 (16) For the construction of the Ammunition
9 Demilitarization Support Phase 2, Blue Grass Army
10 Depot, Kentucky, authorized by section 2401(a) of
11 the Military Construction Act for Fiscal Year 2000,
12 \$8,500,000.

13 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
14 PROJECTS.—Notwithstanding the cost variations author-
15 ized by section 2853 of title 10, United States Code, and
16 any other cost variations authorized by law, the total cost
17 of all projects carried out under section 2401 of this Act
18 may not exceed—

19 (1) the total amount authorized to be appro-
20 priated under paragraphs (1) and (2) of subsection
21 (a); and

22 (2) \$366,040,000 (the balance of the amount
23 authorized under section 2401(c) for construction of
24 National Missile Defense Initial Deployment Facili-
25 ties, Unspecified Worldwide locations).

1 (c) ADJUSTMENT.—The total amount authorized to
2 be appropriated pursuant to paragraphs (1) through (16)
3 of subsection (a) is the sum of the amounts authorized
4 to be appropriated by such paragraphs, reduced by—

5 (1) \$7,115,000, which represents the combina-
6 tion of savings resulting from adjustments to foreign
7 currency exchange rates for military construction
8 outside the United States; and

9 (2) \$20,000,000, which represents the combina-
10 tion of project savings in military construction for
11 chemical demilitarization resulting from favorable
12 bids, reduced overhead charges, and cancellations
13 due to force structure changes.

14 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
15 **CERTAIN FISCAL YEAR 1990 PROJECT.**

16 (a) MODIFICATION.—Section 2401(a) of the Military
17 Construction Authorization Act for Fiscal Years 1990 and
18 1991 (division B of Public Law 101–189), as amended
19 by section 2407 of the Military Construction Authoriza-
20 tion Act for Fiscal Year 1999 (division B of Public Law
21 105–261; 112 Stat. 2197), is amended in the item relating
22 to Portsmouth Naval Hospital, Virginia, by striking
23 “\$351,354,000” and inserting “\$359,854,000”.

24 (b) CONFORMING AMENDMENT.—Section 2405(b)(2)
25 of the Military Construction Authorization Act for Fiscal

1 Years 1990 and 1991, as amended by section 2407 of the
2 Military Construction Authorization Act for Fiscal Year
3 1999, is amended by striking “\$342,854,000” and insert-
4 ing “\$351,354,000”.

5 **TITLE XXV—NORTH ATLANTIC**
6 **TREATY ORGANIZATION SE-**
7 **CURITY INVESTMENT PRO-**
8 **GRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

9 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
10 **ACQUISITION PROJECTS.**

11 The Secretary of Defense may make contributions for
12 the North Atlantic Treaty Organization Security Invest-
13 ment program as provided in section 2806 of title 10,
14 United States Code, in an amount not to exceed the sum
15 of the amount authorized to be appropriated for this pur-
16 pose in section 2502 and the amount collected from the
17 North Atlantic Treaty Organization as a result of con-
18 struction previously financed by the United States.

19 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

20 Funds are hereby authorized to be appropriated for
21 fiscal years beginning after September 30, 2000, for con-
22 tributions by the Secretary of Defense under section 2806
23 of title 10, United States Code, for the share of the United
24 States of the cost of projects for the North Atlantic Treaty

1 Organization Security Investment program authorized by
 2 section 2501, in the amount of \$172,000,000.

3 **TITLE XXVI—GUARD AND**
 4 **RESERVE FACILITIES**

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

Sec. 2602. Authority to contribute to construction of airport tower, Cheyenne Airport, Cheyenne, Wyoming.

5 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
 6 **TION AND LAND ACQUISITION PROJECTS.**

7 There are authorized to be appropriated for fiscal
 8 years beginning after September 30, 2000, for the costs
 9 of acquisition, architectural and engineering services, and
 10 construction of facilities for the Guard and Reserve
 11 Forces, and for contributions therefor, under chapter
 12 1803 of title 10, United States Code (including the cost
 13 of acquisition of land for those facilities), the following
 14 amounts:

15 (1) For the Department of the Army—

16 (A) for the Army National Guard of the
 17 United States, \$266,531,000; and

18 (B) for the Army Reserve, \$108,738,000.

19 (2) For the Department of the Navy, for the
 20 Naval and Marine Corps Reserve, \$62,073,000.

21 (3) For the Department of the Air Force—

22 (A) for the Air National Guard of the
 23 United States, \$194,929,000; and

1 (B) for the Air Force Reserve,
2 \$36,591,000.

3 **SEC. 2602. AUTHORITY TO CONTRIBUTE TO CONSTRUCTION**
4 **OF AIRPORT TOWER, CHEYENNE AIRPORT,**
5 **CHEYENNE, WYOMING.**

6 The Secretary of the Air Force may use up to
7 \$1,450,000 of the amounts appropriated pursuant to the
8 authorization of appropriations in section 2601(3)(A) to
9 make a contribution to the Cheyenne Airport Authority,
10 consistent with applicable agreements, to the costs of con-
11 struction of a new airport tower at Cheyenne Airport,
12 Cheyenne, Wyoming.

13 **TITLE XXVII—EXPIRATION AND**
14 **EXTENSION OF AUTHORIZA-**
15 **TIONS**

Sec. 2701. Expiration of authorizations and amounts required to be specified
by law.

Sec. 2702. Extension of authorizations of certain fiscal year 1998 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 1997 projects.

Sec. 2704. Effective date.

16 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
17 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
18 **LAW.**

19 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
20 YEARS.—Except as provided in subsection (b), all author-
21 izations contained in titles XXI through XXVI for military
22 construction projects, land acquisition, family housing
23 projects and facilities, and contributions to the North At-

1 lantic Treaty Organization Security Investment program
2 (and authorizations of appropriations therefor) shall ex-
3 pire on the later of—

4 (1) October 1, 2003; or

5 (2) the date of the enactment of an Act author-
6 izing funds for military construction for fiscal year
7 2004.

8 (b) EXCEPTION.—Subsection (a) shall not apply to
9 authorizations for military construction projects, land ac-
10 quisition, family housing projects and facilities, and con-
11 tributions to the North Atlantic Treaty Organization Se-
12 curity Investment program (and authorizations of appro-
13 priations therefor) for which appropriated funds have been
14 obligated before the later of—

15 (1) October 1, 2003; or

16 (2) the date of the enactment of an Act author-
17 izing funds for fiscal year 2004 for military con-
18 struction projects, land acquisition, family housing
19 projects and facilities, or contributions to the North
20 Atlantic Treaty Organization Security Investment
21 program.

22 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
23 **FISCAL YEAR 1998 PROJECTS.**

24 (a) EXTENSION.—Notwithstanding section 2701 of
25 the Military Construction Authorization Act for Fiscal

1 Year 1998 (division B of Public Law 105–85; 111 Stat.
2 1984), authorizations set forth in the tables in subsection
3 (b), as provided in section 2102, 2202, or 2302 of that
4 Act, shall remain in effect until October 1, 2001, or the
5 date of the enactment of an Act authorizing funds for mili-
6 tary construction for fiscal year 2002, whichever is later.

7 (b) TABLES.—The tables referred to in subsection (a)
8 are as follows:

Army: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	\$7,900,000
Texas	Fort Hood	Family Housing Construction (130 units) ..	\$18,800,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Replacement Family Housing Construction (94 units)	\$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units) ..	\$28,881,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Replacement Family Housing Construction (132 units)	\$23,891,000
Louisiana	Naval Complex, New Orleans	Replacement Family Housing Construction (100 units)	\$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units) ..	\$22,250,000

Navy: Extension of 1998 Project Authorizations—Continued

State	Installation or location	Project	Amount
Washington	Naval Air Station, Whidbey Island	Replacement Family Housing Construction (102 units)	\$16,000,000

Air Force: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Georgia	Robins Air Force Base	Replace Family Housing (60 units)	\$6,800,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (60 units)	\$11,032,000
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units)	\$20,900,000
Texas	Dyess Air Force Base	Construct Family Housing (70 units)	\$10,503,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 1997 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 1997 (division B of Public Law 104–201; 110 Stat.
6 2782), authorizations set forth in the tables in subsection
7 (b), as provided in section 2201, 2202, or 2601 of that
8 Act and extended by section 2702 of the Military Con-
9 struction Authorization Act for Fiscal Year 2000 (division
10 B of Public Law 106–65; 113 Stat. 842), shall remain
11 in effect until October 1, 2001, or the date of the enact-
12 ment of an Act authorizing funds for military construction
13 for fiscal year 2002, whichever is later.

- (b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Florida	Navy Station, Mayport	Family Housing Construction (100 units) ..	\$10,000,000
North Carolina	Marine Corps Base, Camp Lejuene	Family Housing Construction (94 units)	\$10,110,000
South Carolina	Marine Corps Air Station, Beaufort	Family Housing Construction (140 units) ..	\$14,000,000
Texas	Naval Complex, Corpus Christi	Family Housing Replacement (104 units) ..	\$11,675,000
	Naval Air Station, Kingsville	Family Housing Replacement (48 units)	\$7,550,000
Virginia	Marine Corps Combat Development Command, Quantico	Sanitary landfill	\$8,900,000
Washington	Naval Station, Everett	Family Housing Construction (100 units) ..	\$15,015,000

Army National Guard: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase II)	\$5,000,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

- (1) October 1, 2000; or
- (2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Joint use military construction projects.
- Sec. 2802. Exclusion of certain costs from determination of applicability of limitation on use of funds for improvement of family housing.
- Sec. 2803. Revision of space limitations for military family housing.
- Sec. 2804. Modification of lease authority for high-cost military family housing.
- Sec. 2805. Provision of utilities and services under alternative authority for acquisition and improvement of military housing.
- Sec. 2806. Extension of alternative authority for acquisition and improvement of military housing.
- Sec. 2807. Expansion of definition of armory to include readiness centers.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Increase in threshold for notice and wait requirements for real property transactions.
- Sec. 2812. Enhancement of authority of military departments to lease non-excess property.
- Sec. 2813. Conveyance authority regarding utility systems of military departments.
- Sec. 2814. Permanent conveyance authority to improve property management.

Subtitle C—Defense Base Closure and Realignment

- Sec. 2821. Scope of agreements to transfer property to redevelopment authorities without consideration under the base closure laws.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

- Sec. 2831. Transfer of jurisdiction, Rock Island Arsenal, Illinois.
- Sec. 2832. Land conveyance, Army Reserve Center, Galesburg, Illinois.
- Sec. 2833. Land conveyance, Charles Melvin Price Support Center, Illinois.
- Sec. 2834. Land conveyance, Fort Riley, Kansas.
- Sec. 2835. Land conveyance, Fort Polk, Louisiana.
- Sec. 2836. Land conveyance, Army Reserve Center, Winona, Minnesota.
- Sec. 2837. Land conveyance, Fort Dix, New Jersey.
- Sec. 2838. Land conveyance, Nike Site 43, Elrama, Pennsylvania.
- Sec. 2839. Land exchange, Army Reserve Local Training Center, Chattanooga, Tennessee.
- Sec. 2840. Land exchange, Fort Hood, Texas.
- Sec. 2841. Land conveyance, Fort Pickett, Virginia.
- Sec. 2842. Land conveyance, Fort Lawton, Washington.
- Sec. 2843. Land conveyance, Vancouver Barracks, Washington.

PART II—NAVY CONVEYANCES

- Sec. 2846. Modification of land conveyance, Marine Corps Air Station, El Toro, California.
- Sec. 2847. Modification of authority for Oxnard Harbor District, Port Huemene, California, to use certain Navy property.
- Sec. 2848. Transfer of jurisdiction, Marine Corps Air Station, Miramar, California.
- Sec. 2849. Land exchange, Marine Corps Recruit Depot, San Diego, California.
- Sec. 2850. Lease of property, Naval Air Station, Pensacola, Florida.
- Sec. 2851. Land conveyance, Naval Reserve Center, Tampa, Florida.

- Sec. 2852. Modification of land conveyance, Defense Fuel Supply Point, Casco Bay, Maine.
- Sec. 2853. Land conveyance, Naval Computer and Telecommunications Station, Cutler, Maine.
- Sec. 2854. Modification of land conveyance authority, former Naval Training Center, Bainbridge, Cecil County, Maryland.
- Sec. 2855. Land conveyance, Marine Corps Base, Camp Lejeune, North Carolina.
- Sec. 2856. Land exchange, Naval Air Reserve Center, Columbus, Ohio.
- Sec. 2857. Land conveyance, Naval Station, Bremerton, Washington.

PART III—AIR FORCE CONVEYANCES

- Sec. 2861. Land conveyance, Los Angeles Air Force Base, California.
- Sec. 2862. Land conveyance, Point Arena Air Force Station, California.
- Sec. 2863. Land conveyance, Lowry Air Force Base, Colorado.
- Sec. 2864. Land conveyance, Wright Patterson Air Force Base, Ohio.
- Sec. 2865. Modification of land conveyance, Ellsworth Air Force Base, South Dakota.
- Sec. 2866. Land conveyance, Mukilteo Tank Farm, Everett, Washington.

PART IV—OTHER CONVEYANCES

- Sec. 2871. Land conveyance, Army and Air Force Exchange Service property, Farmers Branch, Texas.
- Sec. 2872. Land conveyance, former National Ground Intelligence Center, Charlottesville, Virginia.

Subtitle E—Other Matters

- Sec. 2881. Relation of easement authority to leased parkland, Marine Corps Base, Camp Pendleton, California.
- Sec. 2882. Extension of demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
- Sec. 2883. Acceptance and use of gifts for construction of third building at United States Air Force Museum, Wright-Patterson Air Force Base, Ohio.
- Sec. 2884. Development of Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia.
- Sec. 2885. Activities relating to greenbelt at Fallon Naval Air Station, Nevada.
- Sec. 2886. Establishment of World War II memorial on Guam.
- Sec. 2887. Naming of Army missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.
- Sec. 2888. Designation of building at Fort Belvoir, Virginia, in honor of Andrew T. McNamara.
- Sec. 2889. Designation of Balboa Naval Hospital, San Diego, California, in honor of Bob Wilson, a former member of the House of Representatives.
- Sec. 2890. Sense of Congress regarding importance of expansion of National Training Center, Fort Irwin, California.
- Sec. 2891. Sense of Congress regarding land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington.

1 **Subtitle A—Military Construction**
2 **Program and Military Family**
3 **Housing Changes**

4 **SEC. 2801. JOINT USE MILITARY CONSTRUCTION**
5 **PROJECTS.**

6 (a) SENSE OF CONGRESS ON JOINT USE
7 PROJECTS.—It is the sense of Congress that when the
8 Secretary of Defense assists the President in preparing
9 the budget for the Department of Defense for a fiscal year
10 for submission to Congress under section 1105 of title 31,
11 United States Code, the Secretary of Defense should—

12 (1) seek to identify military construction
13 projects that are suitable as joint use military con-
14 struction projects;

15 (2) specify in the budget for the fiscal year the
16 military construction projects that are identified
17 under paragraph (1); and

18 (3) give priority in the budget for the fiscal
19 year to the military construction projects specified
20 under paragraph (2).

21 (b) ANNUAL EVALUATION OF JOINT USE
22 PROJECTS.—(1) Subchapter I of chapter 169 of title 10,
23 United States Code, is amended by adding at the end the
24 following new section:

1 **“§ 2815. Joint use military construction projects: an-**
2 **nual evaluation**

3 “(a) JOINT USE MILITARY CONSTRUCTION PROJECT
4 DEFINED.—In this section, the term ‘joint use military
5 construction project’ means a military construction project
6 for a facility intended to be used by—

7 “(1) both the active and a reserve component of
8 a single armed force; or

9 “(2) two or more components (whether active
10 or reserve components) of the armed forces.

11 “(b) ANNUAL EVALUATION.—In the case of the
12 budget submitted under section 1105 of title 31 for fiscal
13 year 2003 and each fiscal year thereafter, the Secretary
14 of Defense shall include in the budget justification mate-
15 rials submitted to Congress in support of the budget a
16 certification by each Secretary concerned that, in evalu-
17 ating military construction projects for inclusion in the
18 budget for that fiscal year, the Secretary concerned evalu-
19 ated the feasibility of carrying out the projects as joint
20 use military construction projects.”.

21 (2) The table of sections at the beginning of such sub-
22 chapter is amended by adding at the end the following
23 new item:

“2815. Joint use military construction projects: annual evaluation.”.

1 **SEC. 2802. EXCLUSION OF CERTAIN COSTS FROM DETER-**
2 **MINATION OF APPLICABILITY OF LIMITATION**
3 **ON USE OF FUNDS FOR IMPROVEMENT OF**
4 **FAMILY HOUSING.**

5 Section 2825(b) of title 10, United States Code, is
6 amended—

7 (1) by redesignating paragraph (3) as para-
8 graph (4); and

9 (2) by inserting after paragraph (2) the fol-
10 lowing new paragraph (3):

11 “(3) In determining the applicability of the limitation
12 contained in paragraph (1), the Secretary concerned shall
13 not include as part of the cost of the improvement of the
14 unit or units concerned the following:

15 “(A) The cost of the installation of communica-
16 tions, security, or antiterrorism equipment required
17 by an occupant of the unit or units to perform du-
18 ties assigned to the occupant as a member of the
19 armed forces.

20 “(B) The cost of the maintenance or repair of
21 equipment described in subparagraph (A) installed
22 for the purpose specified in such subparagraph.”.

23 **SEC. 2803. REVISION OF SPACE LIMITATIONS FOR MILI-**
24 **TARY FAMILY HOUSING.**

25 (a) IN GENERAL.—(1) Section 2826 of title 10,
26 United States Code, is amended to read as follows:

1 **“§ 2826. Military family housing: local comparability**
2 **of room patterns and floor areas**

3 “(a) LOCAL COMPARABILITY.—In the construction,
4 acquisition, and improvement of military family housing,
5 the Secretary concerned shall ensure that the room pat-
6 terns and floor areas of military family housing in a par-
7 ticular locality (as designated by the Secretary concerned
8 for purposes of this section) are similar to room patterns
9 and floor areas of similar housing in the private sector
10 in that locality.

11 “(b) REQUESTS FOR AUTHORITY FOR MILITARY
12 FAMILY HOUSING.—(1) In submitting to Congress a re-
13 quest for authority to carry out the construction, acquisi-
14 tion, or improvement of military family housing, the Sec-
15 retary concerned shall include in the request information
16 on the net floor area of each unit of military family hous-
17 ing to be constructed, acquired, or improved under the au-
18 thority.

19 “(2) In this subsection, the term ‘net floor area’, in
20 the case of a military family housing unit, means the total
21 number of square feet of the floor space inside the exterior
22 walls of the unit, excluding the floor area of an unfinished
23 basement, an unfinished attic, a utility space, a garage,
24 a carport, an open or insect-screened porch, a stairwell,
25 and any space used for a solar-energy system.”.

1 (2) The table of sections at the beginning of sub-
 2 chapter II of chapter 169 of that title is amended by strik-
 3 ing the item relating to section 2826 and inserting the
 4 following new item:

“2826. Military family housing: local comparability of room patterns and floor
 areas.”.

5 (b) EFFECTIVE DATE.—(1) The amendments made
 6 by subsection (a) shall take effect on October 1, 2001,
 7 but the Secretary of Defense shall anticipate the require-
 8 ments of section 2826 of title 10, United States Code, as
 9 added by such subsection, when preparing the budget re-
 10 quest for new construction, acquisition, or improvement
 11 of military family housing for fiscal year 2002.

12 (2) Section 2826 of title 10, United States Code, as
 13 in effect on September 30, 2001, shall continue to apply
 14 with respect to the construction, acquisition, or improve-
 15 ment of military family housing commenced on or before
 16 that date.

17 **SEC. 2804. MODIFICATION OF LEASE AUTHORITY FOR**
 18 **HIGH-COST MILITARY FAMILY HOUSING.**

19 (a) LEASES FOR UNITED STATES SOUTHERN COM-
 20 MAND.—Paragraph (4) of section 2828(b) of title 10,
 21 United States Code, is amended—

22 (1) by inserting “(A)” after “(4)”;

23 (2) by striking the second sentence; and

1 (3) by adding at the end the following new sub-
2 paragraphs:

3 “(B) The amount of all leases under this paragraph
4 may not exceed \$280,000 per year, as adjusted from time
5 to time under paragraph (6).

6 “(C) The term of any lease under this paragraph may
7 not exceed 5 years.”.

8 (b) ANNUAL ADJUSTMENT OF MAXIMUM LEASE
9 AMOUNTS.—Such section is further amended by striking
10 paragraph (5) and inserting the following new paragraphs:

11 “(5) At the beginning of each fiscal year, the Sec-
12 retary concerned shall adjust the maximum lease amount
13 provided for leases under paragraphs (2) and (3) for the
14 previous fiscal year by the percentage (if any) by which
15 the national average monthly cost of housing (as cal-
16 culated for purposes of determining rates of basic allow-
17 ance for housing under section 403 of title 37) for the
18 preceding fiscal year exceeds the national average monthly
19 cost of housing (as so calculated) for the fiscal year before
20 such preceding fiscal year.

21 “(6) At the beginning of each fiscal year, the Sec-
22 retary of the Army shall adjust the maximum aggregate
23 amount for leases under paragraph (4) for the previous
24 fiscal year by the percentage (if any) by which the annual
25 average cost of housing for the Miami Military Housing

1 Area (as calculated for purposes of determining rates of
 2 basic allowance for housing under section 403 of title 37)
 3 for the preceding fiscal year exceeds the annual average
 4 cost of housing for the Miami Military Housing Area (as
 5 so calculated) for the fiscal year before such preceding fis-
 6 cal year.”.

7 (c) CONFORMING AMENDMENTS.—Such section is
 8 further amended—

9 (1) in paragraph (2), by inserting after “per
 10 year” the following: “, as adjusted from time to
 11 under paragraph (5)”; and

12 (2) in paragraph (3), by striking “\$12,000 per
 13 unit per year but does not exceed \$14,000 per unit
 14 per year” and inserting “the maximum amount per
 15 unit per year in effect under paragraph (2) but does
 16 not exceed \$14,000 per unit per year, as adjusted
 17 from time to time under paragraph (5)”.

18 **SEC. 2805. PROVISION OF UTILITIES AND SERVICES UNDER**
 19 **ALTERNATIVE AUTHORITY FOR ACQUISITION**
 20 **AND IMPROVEMENT OF MILITARY HOUSING.**

21 (a) AUTHORITY TO FURNISH ON REIMBURSABLE
 22 BASIS.—Subchapter IV of chapter 169 of title 10, United
 23 States Code, is amended by inserting after section 2872
 24 the following new section:

1 **“§ 2872a. Utilities and services**

2 “(a) AUTHORITY TO FURNISH.—The Secretary con-
3 cerned may furnish utilities and services referred to in
4 subsection (b) in connection with any military housing ac-
5 quired or constructed pursuant to the exercise of any au-
6 thority or combination of authorities under this sub-
7 chapter if the military housing is located on a military in-
8 stallation.

9 “(b) COVERED UTILITIES AND SERVICES.—The utili-
10 ties and services that may be furnished under subsection
11 (a) are the following:

12 “(1) Electric power.

13 “(2) Steam.

14 “(3) Compressed air.

15 “(4) Water.

16 “(5) Sewage and garbage disposal.

17 “(6) Natural gas.

18 “(7) Pest control.

19 “(8) Snow and ice removal.

20 “(9) Mechanical refrigeration.

21 “(10) Telecommunications service.

22 “(c) REIMBURSEMENT.—(1) The Secretary con-
23 cerned shall be reimbursed for any utilities or services fur-
24 nished under subsection (a).

25 “(2) The amount of any cash payment received under
26 paragraph (1) shall be credited to the appropriation or

1 working capital account from which the cost of furnishing
 2 the utilities or services concerned was paid. Amounts so
 3 credited to an appropriation or account shall be merged
 4 with funds in such appropriation or account, and shall be
 5 available to the same extent, and subject to the same
 6 terms and conditions, as such funds.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 at the beginning of such subchapter is amended by insert-
 9 ing after the item relating to section 2872 the following
 10 new item:

“2872a. Utilities and services.”.

11 **SEC. 2806. EXTENSION OF ALTERNATIVE AUTHORITY FOR**
 12 **ACQUISITION AND IMPROVEMENT OF MILI-**
 13 **TARY HOUSING.**

14 Section 2885 of title 10, United States Code, is
 15 amended by striking “February 10, 2001” and inserting
 16 “December 31, 2004”.

17 **SEC. 2807. EXPANSION OF DEFINITION OF ARMORY TO IN-**
 18 **CLUDE READINESS CENTERS.**

19 (a) DEFINITION.—Section 18232(3) of title 10,
 20 United States Code, is amended—

21 (1) in the first sentence, by striking “The term
 22 ‘armory’ means” and inserting “The terms ‘armory’
 23 and ‘readiness center’ mean”; and

24 (2) in the second sentence, by striking “It in-
 25 cludes” and inserting “Such terms include”.

1 (b) CONFORMING AMENDMENTS.—(1) Section
2 18232(2) of such title is amended by striking “armory or
3 other structure” and inserting “armory, readiness center,
4 or other structure”.

5 (2) Section 18236(b) of such title by inserting “or
6 readiness center” after “armory”.

7 **Subtitle B—Real Property and**
8 **Facilities Administration**

9 **SEC. 2811. INCREASE IN THRESHOLD FOR NOTICE AND**
10 **WAIT REQUIREMENTS FOR REAL PROPERTY**
11 **TRANSACTIONS.**

12 (a) INCREASED THRESHOLD.—Section 2662 of title
13 10, United States Code, is amended by striking
14 “\$200,000” each place it appears and inserting
15 “\$500,000”.

16 (b) REFERENCE TO SIMPLIFIED ACQUISITION
17 THRESHOLD.—Subsection (b) of such section is amended
18 by striking “under section 2304(g) of this title” and in-
19 serting “specified in section 4(11) of the Office of Federal
20 Procurement Policy Act (41 U.S.C. 403(11)),”.

1 **SEC. 2812. ENHANCEMENT OF AUTHORITY OF MILITARY**
2 **DEPARTMENTS TO LEASE NON-EXCESS PROP-**
3 **ERTY.**

4 (a) PROPERTY AVAILABLE FOR LEASE.—Subsection
5 (a) of section 2667 of title 10, United States Code, is
6 amended—

7 (1) by inserting “and” at the end of paragraph
8 (1);

9 (2) by striking paragraph (2); and

10 (3) by redesignating paragraph (3) as para-
11 graph (2).

12 (b) ACCEPTANCE OF IN-KIND CONSIDERATION.—

13 Such section is further amended—

14 (1) in subsection (b)(5)—

15 (A) by striking “improvement, mainte-
16 nance, protection, repair, or restoration,” and
17 inserting “alteration, repair, or improvement,”;
18 and

19 (B) by striking “, or of the entire unit or
20 installation where a substantial part of it is
21 leased,”;

22 (2) by transferring subsection (c) to the end of
23 the section and redesignating such subsection, as so
24 transferred, as subsection (i);

25 (3) by inserting after subsection (b) the fol-
26 lowing new subsection (c):

1 “(c)(1) In addition to any in-kind consideration ac-
2 cepted under subsection (b)(5), in-kind consideration ac-
3 cepted with respect to a lease under this section may in-
4 clude the following:

5 “(A) Maintenance, protection, alteration, repair,
6 improvement, or restoration (including environ-
7 mental restoration) of property or facilities under
8 the control of the Secretary concerned.

9 “(B) Construction of new facilities for the Sec-
10 retary concerned.

11 “(C) Provision of facilities for use by the Sec-
12 retary concerned.

13 “(D) Facilities operation support for the Sec-
14 retary concerned.

15 “(E) Provision of such other services relating to
16 activities that will occur on the leased property as
17 the Secretary concerned considers appropriate.

18 “(2) In-kind consideration under paragraph (1) may
19 be accepted at any property or facilities under the control
20 of the Secretary concerned that are selected for that pur-
21 pose by the Secretary concerned.

22 “(3) Sections 2662 and 2802 of this title shall not
23 apply to any new facilities whose construction is accepted
24 as in-kind consideration under this subsection.

1 “(4) In the case of a lease for which all or part of
2 the consideration proposed to be accepted by the Secretary
3 concerned under this subsection is in-kind consideration
4 with a value in excess of \$500,000, the Secretary con-
5 cerned may not enter into the lease until 30 days after
6 the date on which a report on the facts of the lease is
7 submitted to the congressional defense committees.”; and

8 (4) in subsection (f)—

9 (A) by striking paragraph (4); and

10 (B) by redesignating paragraph (5) as
11 paragraph (4).

12 (c) USE OF PROCEEDS.—Subsection (d)(1) of such
13 section is amended to read as follows:

14 “(d)(1)(A) The Secretary of a military department
15 shall deposit in a special account in the Treasury estab-
16 lished for such military department the following:

17 “(i) All money rentals received pursuant to
18 leases entered into by that Secretary under this sec-
19 tion.

20 “(ii) All proceeds received pursuant to the
21 granting of easements by that Secretary under sec-
22 tions 2668 and 2669 of this title.

23 “(iii) All proceeds received by that Secretary
24 from authorizing the temporary use of other prop-
25 erty under the control of that military department.

1 “(B) Subparagraph (A) does not apply to the fol-
2 lowing proceeds:

3 “(i) Amounts paid for utilities and services fur-
4 nished lessees by the Secretary of a military depart-
5 ment pursuant to leases entered into under this sec-
6 tion.

7 “(ii) Money rentals referred to in paragraph (4)
8 or (5).

9 “(C) Subject to subparagraphs (D) and (E), the pro-
10 ceeds deposited in the special account of a military depart-
11 ment pursuant to subparagraph (A) shall be available to
12 the Secretary of that military department, in such
13 amounts as provided in appropriation Acts, for the fol-
14 lowing:

15 “(i) Maintenance, protection, alteration, repair,
16 improvement, or restoration (including environ-
17 mental restoration) of property or facilities.

18 “(ii) Construction or acquisition of new facili-
19 ties.

20 “(iii) Lease of facilities.

21 “(iv) Facilities operation support.

22 “(D) At least 50 percent of the proceeds deposited
23 in the special account of a military department under sub-
24 paragraph (A) shall be available for activities described

1 in subparagraph (C) only at the military installation where
2 the proceeds were derived.

3 “(E) The Secretary concerned may not expend under
4 subparagraph (C) an amount in excess of \$500,000 at a
5 single installation until 30 days after the date on which
6 a report on the facts of the proposed expenditure is sub-
7 mitted to the congressional defense committees.”.

8 (d) CONGRESSIONAL NOTIFICATION.—Subsection
9 (d)(3) of such section is amended—

10 (1) in the matter preceding subparagraph (A),
11 by striking “As part” and all that follows through
12 “Secretary of Defense” and inserting “Not later
13 than March 15 each year, the Secretary of Defense
14 shall submit to the congressional defense committees
15 a report which”; and

16 (2) in subparagraph (A), by striking “request”
17 and inserting “report”.

18 (e) DEFINITIONS.—Subsection (h) of such section is
19 amended to read as follows:

20 “(h) In this section:

21 “(1) The term ‘congressional defense commit-
22 tees’ means:

23 “(A) The Committee on Armed Services
24 and the Committee on Appropriations of the
25 Senate.

1 “(B) The Committee on Armed Services
2 and the Committee on Appropriations of the
3 House of Representatives.

4 “(2) The term ‘base closure law’ means the fol-
5 lowing:

6 “(A) Section 2687 of this title.

7 “(B) The Defense Base Closure and Re-
8 alignment Act of 1990 (part A of title XXIX of
9 Public Law 101–510; 10 U.S.C. 2687 note).

10 “(C) Title II of the Defense Authorization
11 Amendments and Base Closure and Realign-
12 ment Act (Public Law 100–526; 10 U.S.C.
13 2687 note).

14 “(3) The term ‘military installation’ has the
15 meaning given such term in section 2687(e)(1) of
16 this title.”.

17 (f) CONFORMING AMENDMENTS.—(1) Section 2668
18 of such title is amended by adding at the end the following
19 new subsection:

20 “(e) Subsection (d) of section 2667 of this title shall
21 apply with respect to proceeds received by the Secretary
22 of a military department in connection with an easement
23 granted under this section in the same manner as such
24 subsection applies to money rentals received pursuant to
25 leases entered into by that Secretary under such section.”.

1 (2) Section 2669 of such title is amended by adding
2 at the end the following new subsection:

3 “(e) Subsection (d) of section 2667 of this title shall
4 apply with respect to proceeds received by the Secretary
5 of a military department in connection with an easement
6 granted under this section in the same manner as such
7 subsection applies to money rentals received pursuant to
8 leases entered into by that Secretary under such section.”.

9 **SEC. 2813. CONVEYANCE AUTHORITY REGARDING UTILITY**
10 **SYSTEMS OF MILITARY DEPARTMENTS.**

11 (a) SELECTION OF CONVEYEE.—Subsection (b) of
12 section 2688 of title 10, United States Code, is amended—

13 (1) by inserting “(1)” before “If more than
14 one”; and

15 (2) by adding at the end the following new
16 paragraphs:

17 “(2) Notwithstanding paragraph (1), the Secretary
18 concerned may use procedures other than competitive pro-
19 cedures, but only in accordance with subsections (c)
20 through (f) of section 2304 of this title, to select the
21 conveyee of a utility system (or part of a utility system)
22 under subsection (a).

23 “(3) With respect to the solicitation process used in
24 connection with the conveyance of a utility system (or part
25 of a utility system) under subsection (a), the Secretary

1 concerned shall ensure that the process is conducted in
 2 a manner consistent with the laws and regulations of the
 3 State in which the utility system is located to the extent
 4 necessary to ensure that all interested regulated and un-
 5 regulated utility companies and other interested entities
 6 receive an opportunity to acquire and operate the utility
 7 system to be conveyed.”.

8 (b) APPLICABILITY OF REGULATORY REQUIRE-
 9 MENTS.—Subsection (f) of such section is amended—

10 (1) by inserting “(1)” before “The Secretary”;

11 and

12 (2) by adding at the end the following new
 13 paragraph:

14 “(2) The Secretary concerned shall require in any
 15 contract for the conveyance of a utility system (or part
 16 of a utility system) under subsection (a) that the conveyee
 17 manage and operate the utility system in a manner con-
 18 sistent with applicable Federal and State regulations per-
 19 taining to health, safety, fire, and environmental require-
 20 ments.”.

21 **SEC. 2814. PERMANENT CONVEYANCE AUTHORITY TO IM-**
 22 **PROVE PROPERTY MANAGEMENT.**

23 Section 203(p)(1) of the Federal Property and Ad-
 24 ministrative Services Act of 1949 (40 U.S.C. 484(p)(1))

1 is amended by striking subparagraph (B) and inserting
 2 the following new subparagraph:

3 “(B) The Administrator may exercise the authority
 4 under subparagraph (A) with respect to such surplus real
 5 and related property needed by the transferee or grantee
 6 for—

7 “(i) law enforcement purposes, as determined
 8 by the Attorney General; or

9 “(ii) emergency management response purposes,
 10 including fire and rescue services, as determined by
 11 the Director of the Federal Emergency Management
 12 Agency.”.

13 **Subtitle C—Defense Base Closure** 14 **and Realignment**

15 **SEC. 2821. SCOPE OF AGREEMENTS TO TRANSFER PROP-** 16 **ERTY TO REDEVELOPMENT AUTHORITIES** 17 **WITHOUT CONSIDERATION UNDER THE BASE** 18 **CLOSURE LAWS.**

19 (a) 1990 LAW.—Section 2905(b)(4)(B)(i) of the De-
 20 fense Base Closure and Realignment Act of 1990 (part
 21 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
 22 note) is amended by striking “the transfer” and inserting
 23 “the initial transfer of property”.

24 (b) 1988 LAW.—Section 204(b)(4)(B)(i) of the De-
 25 fense Authorization Amendments and Base Closure and

1 Realignment Act (Public Law 100–526; 10 U.S.C. 2687
2 note) is amended by striking “the transfer” and inserting
3 “the initial transfer of property”.

4 **Subtitle D—Land Conveyances**

5 **PART I—ARMY CONVEYANCES**

6 **SEC. 2831. TRANSFER OF JURISDICTION, ROCK ISLAND AR-** 7 **SENAL, ILLINOIS.**

8 (a) **TRANSFER AUTHORIZED.**—The Secretary of the
9 Army may transfer, without reimbursement, to the admin-
10 istrative jurisdiction of the Secretary of Veterans Affairs
11 a parcel of real property, including any improvements
12 thereon, consisting of approximately 23 acres and com-
13 prising a portion of the Rock Island Arsenal, Illinois.

14 (b) **USE OF LAND.**—The Secretary of Veterans Af-
15 fairs shall include the real property transferred under sub-
16 section (a) in the Rock Island National Cemetery and use
17 the transferred property as a national cemetery under
18 chapter 24 of title 38, United States Code.

19 (c) **LEGAL DESCRIPTION.**—The exact acreage and
20 legal description of the real property to be transferred
21 under this section shall be determined by a survey satis-
22 factory to the Secretary of the Army. The cost of the sur-
23 vey shall be borne by the Secretary of Veterans Affairs.

24 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The
25 Secretary of the Army may require such additional terms

1 and conditions in connection with the transfer under this
2 section as the Secretary of the Army considers appropriate
3 to protect the interests of the United States.

4 **SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER,**
5 **GALESBURG, ILLINOIS.**

6 (a) CONVEYANCE AUTHORIZED.—The Secretary of
7 the Army may convey, without consideration, to Knox
8 County, Illinois (in this section referred to as the “Coun-
9 ty”), all right, title, and interest of the United States in
10 and to a parcel of real property, including any improve-
11 ments thereon, in Galesburg, Illinois, consisting of ap-
12 proximately 4.65 acres and containing an Army Reserve
13 Center for the purpose of permitting the County to use
14 the parcel for municipal office space.

15 (b) DESCRIPTION OF PROPERTY.—The exact acreage
16 and legal description of the real property to be conveyed
17 under subsection (a) shall be determined by a survey satis-
18 factory to the Secretary. The cost of the survey shall be
19 borne by the County.

20 (c) ADDITIONAL TERMS AND CONDITIONS.—The
21 Secretary may require such additional terms and condi-
22 tions in connection with the conveyance under subsection
23 (a) as the Secretary considers appropriate to protect the
24 interests of the United States.

1 **SEC. 2833. LAND CONVEYANCE, CHARLES MELVIN PRICE**
2 **SUPPORT CENTER, ILLINOIS.**

3 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary
4 of the Army may convey to the Tri-City Regional Port
5 District of Granite City, Illinois (in this section referred
6 to as the “Port District”), all right, title, and interest of
7 the United States in and to a parcel of real property, in-
8 cluding any improvements thereon, consisting of approxi-
9 mately 752 acres and known as the Charles Melvin Price
10 Support Center, for the purpose of permitting the Port
11 District to use the parcel for development of a port facility
12 and for other public purposes.

13 (2) The property to be conveyed under paragraph (1)
14 shall include 158 units of military family housing at the
15 Charles Melvin Price Support Center for the purpose of
16 permitting the Port District to use the housing to provide
17 affordable housing, but only if the Port District agrees
18 to provide members of the Armed Forces first priority in
19 leasing the housing at a rental rate not to exceed the mem-
20 ber’s basic allowance for housing.

21 (3) The Secretary of the Army may include as part
22 of the conveyance under paragraph (1) personal property
23 of the Army at the Charles Melvin Price Support Center
24 that the Secretary of Transportation recommends is ap-
25 propriate for the development or operation of the port fa-

1 cility and the Secretary of the Army agrees is excess to
2 the needs of the Army.

3 (b) INTERIM LEASE.—Until such time as the real
4 property described in subsection (a) is conveyed by deed,
5 the Secretary of the Army may lease the property to the
6 Port District.

7 (c) CONSIDERATION.—(1) The conveyance under
8 subsection (a) shall be made without consideration as a
9 public benefit conveyance for port development if the Sec-
10 retary of the Army determines that the Port District satis-
11 fies the criteria specified in section 203(q) of the Federal
12 Property and Administrative Services Act of 1949 (40
13 U.S.C. 484(q)) and regulations prescribed to implement
14 such section. If the Secretary determines that the Port
15 District fails to qualify for a public benefit conveyance,
16 but still desires to acquire the property, the Port District
17 shall pay to the United States an amount equal to the
18 fair market value of the property to be conveyed. The fair
19 market value of the property shall be determined by the
20 Secretary of the Army.

21 (2) The Secretary of the Army may accept as consid-
22 eration for a lease of the property under subsection (b)
23 an amount that is less than fair market value if the Sec-
24 retary determines that the public interest will be served
25 as a result of the lease.

1 (d) ARMY RESERVE ACTIVITIES.—(1) Notwith-
2 standing the total acreage of the parcel authorized for con-
3 veyance under subsection (a), the Secretary of the Army
4 may retain up to 50 acres of the parcel for use by the
5 Army Reserve. The acreage selected for retention shall be
6 mutually agreeable to the Secretary and the Port District.

7 (2) At such time as the Secretary of the Army deter-
8 mines that the property retained under this subsection is
9 no longer needed for Army Reserve activities, the Sec-
10 retary shall convey the property to the Port District. The
11 consideration for the conveyance shall be determined in
12 the manner provided in subsection (c).

13 (e) FEDERAL LEASE OF FACILITIES.—(1) As a con-
14 dition for the conveyance under subsection (a), the Sec-
15 retary of the Army may require that the Port District
16 lease to the Department of Defense or any other Federal
17 agency facilities for use by the agency on the property
18 being conveyed. Any lease under this subsection shall be
19 made under terms and conditions satisfactory to the Sec-
20 retary and the Port District.

21 (2) The agency leasing a facility under this sub-
22 section shall provide for the maintenance of the facility
23 or pay the Port District to maintain the facility. Mainte-
24 nance of the leased facilities performed by the Port Dis-
25 trict shall be to the reasonable satisfaction of the United

1 States, or as required by all applicable Federal, State, and
2 local laws and ordinances.

3 (3) At the end of a lease under this subsection, the
4 facility covered by the lease shall revert to the Port Dis-
5 trict.

6 (f) FLOOD CONTROL EASEMENT.—The Port District
7 shall grant to the Secretary of the Army an easement on
8 the property conveyed under subsection (a) for the pur-
9 pose of permitting the Secretary to implement and main-
10 tain flood control projects. The Secretary of the Army,
11 acting through the Corps of Engineers, shall be respon-
12 sible for the maintenance of any flood control project built
13 on the property pursuant to the easement.

14 (g) DESCRIPTION OF PROPERTY.—The exact acreage
15 and legal description of the property to be conveyed under
16 subsection (a) shall be determined by a survey satisfactory
17 to the Secretary of the Army and the Port District. The
18 cost of such survey shall be borne by the Port District.

19 (h) ADDITIONAL TERMS.—The Secretary of the
20 Army may require such additional terms and conditions
21 in connection with the conveyance as the Secretary con-
22 siders appropriate to protect the interests of the United
23 States.

1 **SEC. 2834. LAND CONVEYANCE, FORT RILEY, KANSAS.**

2 (a) CONVEYANCE AUTHORIZED.—The Secretary of
3 the Army may convey, without consideration, to the State
4 of Kansas (in this section referred to as the “State”), all
5 right, title, and interest of the United States in and to
6 a parcel of real property, including any improvements
7 thereon, consisting of approximately 70 acres at Fort
8 Riley Military Reservation, Fort Riley, Kansas. The pre-
9 ferred site is adjacent to the Fort Riley Military Reserva-
10 tion boundary, along the north side of Huebner Road
11 across from the First Territorial Capitol of Kansas His-
12 torical Site Museum.

13 (b) CONDITIONS OF CONVEYANCE.—The conveyance
14 under subsection (a) shall be subject to the conditions
15 that—

16 (1) the State use the property conveyed solely
17 for purposes of establishing and maintaining a
18 State-operated veterans cemetery; and

19 (2) all costs associated with the conveyance, in-
20 cluding the cost of relocating water and electric utili-
21 ties should the Secretary determine that such reloca-
22 tions are necessary, be borne by the State.

23 (c) DESCRIPTION OF PROPERTY.—The exact acreage
24 and legal description of the real property to be conveyed
25 under subsection (a) shall be determined by a survey satis-

1 factory to the Secretary and the Director of the Kansas
2 Commission on Veterans Affairs.

3 (d) ADDITIONAL TERMS AND CONDITIONS.—The
4 Secretary may require such additional terms and condi-
5 tions in connection with the conveyance required by sub-
6 section (a) as the Secretary considers appropriate to pro-
7 tect the interests of the United States.

8 **SEC. 2835. LAND CONVEYANCE, FORT POLK, LOUISIANA.**

9 (a) CONVEYANCE AUTHORIZED.—The Secretary of
10 the Army may convey, without consideration, to the State
11 of Louisiana (in this section referred to as the “State”),
12 all right, title, and interest of the United States in and
13 to a parcel of real property, including any improvements
14 thereon, consisting of approximately 200 acres at Fort
15 Polk, Louisiana, for the purpose of permitting the State
16 to establish a State-run cemetery for veterans.

17 (b) DESCRIPTION OF PROPERTY.—The exact acreage
18 and legal description of the real property to be conveyed
19 under subsection (a) shall be determined by a survey satis-
20 factory to the Secretary. The cost of the survey shall be
21 borne by the State.

22 (c) ADDITIONAL TERMS AND CONDITIONS.—The
23 Secretary may require such additional terms and condi-
24 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the
2 interests of the United States.

3 **SEC. 2836. LAND CONVEYANCE, ARMY RESERVE CENTER,**
4 **WINONA, MINNESOTA.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of
6 the Army may convey, without consideration, to the Wi-
7 nona State University Foundation of Winona, Minnesota
8 (in this section referred to as the “Foundation”), all right,
9 title, and interest of the United States in and to a parcel
10 of real property, including any improvements thereon, in
11 Winona, Minnesota, containing an Army Reserve Center
12 for the purpose of permitting the Foundation to use the
13 parcel for educational purposes.

14 (b) DESCRIPTION OF PROPERTY.—The exact acreage
15 and legal description of the real property to be conveyed
16 under subsection (a) shall be determined by a survey satis-
17 factory to the Secretary. The cost of the survey shall be
18 borne by the Foundation.

19 (c) ADDITIONAL TERMS AND CONDITIONS.—The
20 Secretary may require such additional terms and condi-
21 tions in connection with the conveyance under subsection
22 (a) as the Secretary considers appropriate to protect the
23 interests of the United States.

1 **SEC. 2837. LAND CONVEYANCE, FORT DIX, NEW JERSEY.**

2 (a) CONVEYANCE AUTHORIZED.—The Secretary of
3 the Army may convey, without consideration, to Pem-
4 berton Township, New Jersey (in this section referred to
5 as the “Township”), all right, title, and interest of the
6 United States in and to a parcel of real property at Fort
7 Dix, New Jersey, consisting of approximately 2 acres and
8 containing a parking lot inadvertently constructed on the
9 parcel by the Township.

10 (b) CONDITIONS OF CONVEYANCE.—The conveyance
11 authorized under subsection (a) shall be subject to the
12 conditions that—

13 (1) the Township accept the property as is; and

14 (2) the Township assume responsibility for any
15 environmental restoration or remediation required
16 with respect to the property under applicable law.

17 (c) DESCRIPTION OF PROPERTY.—The exact acreage
18 and legal description of the real property to be conveyed
19 under subsection (a) shall be determined by a survey satis-
20 factory to the Secretary. The cost of the survey shall be
21 borne by the Township.

22 (d) ADDITIONAL TERMS AND CONDITIONS.—The
23 Secretary may require such additional terms and condi-
24 tions in connection with the conveyance under subsection
25 (a) as the Secretary considers appropriate to protect the
26 interests of the United States.

1 **SEC. 2838. LAND CONVEYANCE, NIKE SITE 43, ELRAMA,**
2 **PENNSYLVANIA.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of
4 the Army may convey, without consideration, to the Board
5 of Supervisors of Union Township, Pennsylvania (in this
6 section referred to as the “Township”), all right, title, and
7 interest of the United States in and to a parcel of real
8 property, including any improvements thereon, in Elrama,
9 Pennsylvania, consisting of approximately 160 acres,
10 which is known as Nike Site 43 and was more recently
11 used by the Pennsylvania Army National Guard, for the
12 purpose of permitting the Township to use the parcel for
13 municipal storage and other public purposes.

14 (b) DESCRIPTION OF PROPERTY.—The exact acreage
15 and legal description of the real property to be conveyed
16 under subsection (a) shall be determined by a survey satis-
17 factory to the Secretary. The cost of the survey shall be
18 borne by the Township.

19 (c) ADDITIONAL TERMS AND CONDITIONS.—The
20 Secretary may require such additional terms and condi-
21 tions in connection with the conveyance under subsection
22 (a) as the Secretary considers appropriate to protect the
23 interests of the United States.

1 **SEC. 2839. LAND CONVEYANCE, ARMY RESERVE LOCAL**
2 **TRAINING CENTER, CHATTANOOGA, TEN-**
3 **NESSEE.**

4 (a) CONVEYANCE AUTHORIZED.—The Secretary of
5 the Army may convey, without consideration, to the Medal
6 of Honor Museum, Inc., a nonprofit corporation organized
7 in the State of Tennessee (in this section referred to as
8 the “Corporation”), all right, title, and interest of the
9 United States in and to a parcel of real property, including
10 any improvements thereon, consisting of approximately 15
11 acres at the Army Reserve Local Training Center located
12 on Bonny Oaks Drive, Chattanooga, Tennessee, for the
13 purpose of permitting the Corporation to develop and use
14 the parcel as a museum and for other educational pur-
15 poses.

16 (b) DESCRIPTION OF PROPERTY.—The exact acreage
17 and legal description of the real property to be conveyed
18 under subsection (a) shall be determined by a survey satis-
19 factory to the Secretary. The cost of the survey shall be
20 borne by the Corporation.

21 (c) ADDITIONAL TERMS AND CONDITIONS.—The
22 Secretary may require such additional terms and condi-
23 tions in connection with the conveyance under subsection
24 (a) as the Secretary considers appropriate to protect the
25 interests of the United States.

1 **SEC. 2840. LAND EXCHANGE, FORT HOOD, TEXAS.**

2 (a) EXCHANGE AUTHORIZED.—The Secretary of the
3 Army may convey to the City of Copperas Cove, Texas
4 (in this section referred to as the “City”), all right, title,
5 and interest of the United States in and to a parcel of
6 real property, including any improvements thereon, con-
7 sisting of approximately 100 acres at Fort Hood, Texas,
8 in exchange for the City’s conveyance to the Secretary of
9 all right, title, and interest of the City in and to one or
10 more parcels of real property that are acceptable to the
11 Secretary and consist of a total of approximately 300
12 acres.

13 (b) DESCRIPTION OF PROPERTY.—The exact acreage
14 and legal description of the parcels of real property to be
15 exchanged under subsection (a) shall be determined by
16 surveys satisfactory to the Secretary. The cost of the sur-
17 veys shall be borne by the City.

18 (c) ADDITIONAL TERMS AND CONDITIONS.—The
19 Secretary may require such additional terms and condi-
20 tions in connection with the exchange under subsection (a)
21 as the Secretary considers appropriate to protect the inter-
22 ests of the United States.

23 **SEC. 2841. LAND CONVEYANCE, FORT PICKETT, VIRGINIA.**

24 (a) CONVEYANCE AUTHORIZED.—The Secretary of
25 the Army may convey, without consideration, to the Com-
26 monwealth of Virginia (in this section referred to as the

1 “Commonwealth”), all right, title, and interest of the
2 United States in and to a parcel of real property, including
3 any improvements thereon, consisting of approximately
4 700 acres at Fort Pickett, Virginia, for the purpose of per-
5 mitting the Commonwealth to develop and operate a public
6 safety training facility.

7 (b) DESCRIPTION OF PROPERTY.—The exact acreage
8 and legal description of the real property to be conveyed
9 under subsection (a) shall be determined by a survey satis-
10 factory to the Secretary. The cost of the survey shall be
11 borne by the Commonwealth.

12 (c) ADDITIONAL TERMS AND CONDITIONS.—The
13 Secretary may require such additional terms and condi-
14 tions in connection with the conveyance under subsection
15 (a) as the Secretary considers appropriate to protect the
16 interests of the United States.

17 **SEC. 2842. LAND CONVEYANCE, FORT LAWTON, WASH-**
18 **INGTON.**

19 (a) CONVEYANCE AUTHORIZED.—The Secretary of
20 the Army may convey, without consideration, to the City
21 of Seattle, Washington (in this section referred to as the
22 “City”), all right, title, and interest of the United States
23 in and to the real property at Fort Lawton, Washington,
24 consisting of Area 500 and Government Way from 36th

1 Avenue to Area 500, for purposes of the inclusion of the
2 property in Discovery Park, Seattle, Washington.

3 (b) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the property to be conveyed under
5 subsection (a) shall be determined by a survey satisfactory
6 to the Secretary. The cost of the survey shall be borne
7 by the City.

8 (c) ADDITIONAL TERMS AND CONDITIONS.—The
9 Secretary may require such additional terms and condi-
10 tions in connection with the conveyance under subsection
11 (a) as the Secretary considers appropriate to protect the
12 interests of the United States.

13 **SEC. 2843. LAND CONVEYANCE, VANCOUVER BARRACKS,**
14 **WASHINGTON.**

15 (a) CONVEYANCE OF WEST BARRACKS AUTHOR-
16 IZED.—The Secretary of the Army may convey, without
17 consideration, to the City of Vancouver, Washington (in
18 this section referred to as the “City”), all right, title, and
19 interest of the United States in and to a parcel of real
20 property, including any improvements thereon, encom-
21 passing 19 structures at Vancouver Barracks, Wash-
22 ington, which are identified by the Army using numbers
23 between 602 and 676, and are known as the west bar-
24 racks.

1 (b) PURPOSE.—The purpose of the conveyance au-
 2 thorized by subsection (a) shall be to include the property
 3 described in that subsection in the Vancouver National
 4 Historic Reserve, Washington.

5 (c) DESCRIPTION OF PROPERTY.—The exact acreage
 6 and legal description of the real property to be conveyed
 7 under subsection (a) shall be determined by a survey satis-
 8 factory to the Secretary. The cost of the survey shall be
 9 borne by the City.

10 (d) ADDITIONAL TERMS AND CONDITIONS.—The
 11 Secretary may require such additional terms and condi-
 12 tions in connection with the conveyance authorized by sub-
 13 section (a) as the Secretary considers appropriate to pro-
 14 tect the interests of the United States.

15 **PART II—NAVY CONVEYANCES**

16 **SEC. 2846. MODIFICATION OF LAND CONVEYANCE, MARINE** 17 **CORPS AIR STATION, EL TORO, CALIFORNIA.**

18 (a) USE OF CONSIDERATION.—Subsection (a)(2) of
 19 section 2811 of the Military Construction Authorization
 20 Act for Fiscal Years 1990 and 1991 (division B of Public
 21 Law 101–189; 103 Stat. 1650) is amended by striking
 22 “of additional military family housing units at Marine
 23 Corps Air Station, Tustin, California.” and inserting “and
 24 repair of roads and development of Aerial Port of Embar-

1 kation facilities at Marine Corps Air Station, Miramar,
2 California.”.

3 (b) CONFORMING AMENDMENT.—The section head-
4 ing of such section is amended by striking “, **AND CON-**
5 **STRUCTION OF FAMILY HOUSING AT MARINE CORPS**
6 **AIR STATION, TUSTIN, CALIFORNIA**”.

7 **SEC. 2847. MODIFICATION OF AUTHORITY FOR OXNARD**
8 **HARBOR DISTRICT, PORT HUENEME, CALI-**
9 **FORNIA, TO USE CERTAIN NAVY PROPERTY.**

10 (a) ADDITIONAL RESTRICTIONS ON JOINT USE.—
11 Subsection (c) of section 2843 of the Military Construc-
12 tion Authorization Act for Fiscal Year 1995 (division B
13 of Public Law 103–337; 108 Stat. 3067) is amended to
14 read as follows:

15 “(c) RESTRICTIONS ON USE.—The District’s use of
16 the property covered by an agreement under subsection
17 (a) is subject to the following conditions:

18 “(1) The District shall suspend operations
19 under the agreement upon notification by the com-
20 manding officer of the Center that the property is
21 needed to support mission essential naval vessel sup-
22 port requirements or Navy contingency operations,
23 including combat missions, natural disasters, and
24 humanitarian missions.

1 “(2) The District shall use the property covered
2 by the agreement in a manner consistent with Navy
3 operations at the Center, including cooperating with
4 the Navy for the purpose of assisting the Navy to
5 meet its through-put requirements at the Center for
6 the expeditious movement of military cargo.

7 “(3) The commanding officer of the Center may
8 require the District to remove any of its personal
9 property at the Center that the commanding officer
10 determines may interfere with military operations at
11 the Center. If the District cannot expeditiously re-
12 move the property, the commanding officer may pro-
13 vide for the removal of the property at District ex-
14 pense.”.

15 (b) CONSIDERATION.—Subsection (d) of such section
16 is amended to read as follows:

17 “(d) CONSIDERATION.—(1) As consideration for the
18 use of the property covered by an agreement under sub-
19 section (a), the District shall pay to the Navy an amount
20 that is mutually agreeable to the parties to the agreement,
21 taking into account the nature and extent of the District’s
22 use of the property.

23 “(2) The Secretary may accept in-kind consideration
24 under paragraph (1), including consideration in the form
25 of—

1 “(A) the District’s maintenance, preservation,
2 improvement, protection, repair, or restoration of all
3 or any portion of the property covered by the agree-
4 ment;

5 “(B) the construction of new facilities, the
6 modification of existing facilities, or the replacement
7 of facilities vacated by the Navy on account of the
8 agreement; and

9 “(C) covering the cost of relocation of the oper-
10 ations of the Navy from the vacated facilities to the
11 replacement facilities.

12 “(3) All cash consideration received under paragraph
13 (1) shall be deposited in the special account in the Treas-
14 ury established for the Navy under section 2667(d) of title
15 10, United States Code. The amounts deposited in the
16 special account pursuant to this paragraph shall be avail-
17 able, as provided in appropriation Acts, for general super-
18 vision, administration, overhead expenses, and Center op-
19 erations and for the maintenance preservation, improve-
20 ment, protection, repair, or restoration of property at the
21 Center.”.

22 (c) CONFORMING AMENDMENTS.—Such section is
23 further amended—

24 (1) by striking subsection (f); and

1 (2) by redesignating subsections (g) and (h) as
2 subsections (f) and (g), respectively.

3 **SEC. 2848. TRANSFER OF JURISDICTION, MARINE CORPS**
4 **AIR STATION, MIRAMAR, CALIFORNIA.**

5 (a) **TRANSFER AUTHORIZED.**—The Secretary of the
6 Navy may transfer, without reimbursement, to the admin-
7 istrative jurisdiction of the Secretary of the Interior a par-
8 cel of real property, including any improvements thereon,
9 consisting of approximately 250 acres and known as the
10 Teacup Parcel, which comprises a portion of the Marine
11 Corps Air Station, Miramar, California.

12 (b) **USE OF LAND.**—The Secretary of the Interior
13 shall include the real property transferred under sub-
14 section (a) in the Vernal Pool Unit of the San Diego Na-
15 tional Wildlife Refuge and administer the property for the
16 conservation of fish and wildlife. All current and future
17 military aviation and related activities at the Marine Corps
18 Air Station, Miramar, are deemed to be compatible with
19 the refuge purposes for which the property is transferred,
20 and with any secondary uses that may be established on
21 the transferred property.

22 (c) **CONDITION ON TRANSFER.**—The transfer author-
23 ized under subsection (a) shall be subject to the condition
24 that the Secretary of the Interior make the transferred
25 property available to the Secretary of the Navy for any

1 habitat restoration or preservation project that may be re-
2 quired for mitigation of military activities occurring at the
3 Marine Corps Air Station, Miramar, unless the Secretary
4 of the Interior determines that the project will adversely
5 affect the property's sensitive wildlife and habitat resource
6 values.

7 (d) **LEGAL DESCRIPTION.**—The exact acreage and
8 legal description of the real property to be transferred
9 under this section shall be determined by a survey satis-
10 factory to the Secretary of the Navy. The cost of the sur-
11 vey shall be borne by the Secretary of the Interior.

12 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
13 Secretary of the Navy may require such additional terms
14 and conditions in connection with the transfer under this
15 section as the Secretary of the Navy considers appropriate
16 to protect the interests of the United States.

17 **SEC. 2849. LAND EXCHANGE, MARINE CORPS RECRUIT**
18 **DEPOT, SAN DIEGO, CALIFORNIA.**

19 (a) **EXCHANGE AUTHORIZED.**—The Secretary of the
20 Navy may convey to the San Diego Unified Port District
21 of San Diego, California (in this section referred to as the
22 “Port District”), all right, title, and interest of the United
23 States in and to three parcels of real property, including
24 any improvements thereon, consisting of approximately
25 44.5 acres and comprising a portion of the Marine Corps

1 Recruit Depot, San Diego, California, in exchange for the
2 Port District's—

3 (1) conveyance to the Secretary of all right,
4 title, and interest of Port District in and to a parcel
5 of real property that is acceptable to the Secretary
6 and contiguous to the Marine Corps Recruit Depot;
7 and

8 (2) construction of suitable replacement facili-
9 ties and necessary supporting structures on the par-
10 cel or other property comprising the Marine Corps
11 Recruit Depot, as determined necessary by the Sec-
12 retary.

13 (b) TIME FOR CONVEYANCE.—The Secretary may
14 not make the conveyance to the Port District authorized
15 by subsection (a) until the Secretary determines that the
16 replacement facilities have been constructed and are ready
17 for occupancy.

18 (c) ADMINISTRATIVE EXPENSES.—The Port District
19 shall reimburse the Secretary for administrative expenses
20 incurred by the Secretary in carrying out the exchange
21 under subsection (a), including expenses related to the
22 planning, design, survey, environmental compliance, and
23 supervision and inspection of construction of the replace-
24 ment facilities. Section 2695(c) of title 10, United States

1 Code, shall apply to the amounts received by the Sec-
2 retary.

3 (d) CONSTRUCTION SCHEDULE.—The Port District
4 shall construct the replacement facilities pursuant to
5 such schedule and in such a manner so as to not interrupt
6 or adversely affect the capability of the Marine Corps Re-
7 cruit Depot to accomplish its mission.

8 (e) DESCRIPTION OF PROPERTY.—The exact acreage
9 and legal description of the parcels of real property to be
10 exchanged under subsection (a) shall be determined by
11 surveys satisfactory to the Secretary. The cost of the sur-
12 veys shall be borne by the Port District.

13 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
14 retary may require such additional terms and conditions
15 in connection with the exchange under subsection (a) as
16 the Secretary considers appropriate to protect the inter-
17 ests of the United States.

18 **SEC. 2850. LEASE OF PROPERTY, NAVAL AIR STATION, PEN-**

19 **SACOLA, FLORIDA.**

20 (a) AUTHORITY TO LEASE.—The Secretary of the
21 Navy may lease, without consideration, to the Naval Avia-
22 tion Museum Foundation (in this section referred to as
23 the “Foundation”) real property improvements con-
24 structed by the Foundation at the National Museum of
25 Naval Aviation at Naval Air Station, Pensacola, Florida,

1 for the purpose of permitting the Foundation to operate
2 a National Flight Academy to encourage and assist Amer-
3 ican young people to develop an interest in naval aviation
4 and to preserve and enhance the image and heritage of
5 naval aviation.

6 (b) CONSTRUCTION.—The Foundation shall be solely
7 responsible for the design and construction of the real
8 property improvements referred to in subsection (a). Upon
9 completion, the improvements shall be donated to and be-
10 come the property of the United States, subject to the
11 terms of the lease under subsection (a).

12 (c) TERM OF LEASE.—(1) The lease authorized by
13 subsection (a) may be for a term of up to 50 years, with
14 an option to renew for an additional 50 years.

15 (2) In the event that the National Flight Academy
16 ceases operation for a period in excess of 1 year during
17 the leasehold period, or any extension thereof, the lease
18 shall immediately terminate without cost or future liability
19 to the United States.

20 (d) USE BY NAVY.—The Secretary may use all or a
21 portion of the leased property when the National Flight
22 Academy is not in session or whenever the use of the prop-
23 erty would not conflict with operation of the Academy. The
24 Foundation shall permit such use at no cost to the Navy.

1 (e) MAINTENANCE AND REPAIR.—The Foundation
2 shall be solely responsible during the leasehold period, and
3 any extension thereof, for the operation, maintenance, and
4 repair or replacement of the real property improvements
5 authorized for lease under this section.

6 (f) ASSISTANCE.—(1) Subject to subsection (e), the
7 Secretary may assist the Foundation in implementing the
8 National Flight Academy by furnishing facilities, utilities,
9 maintenance, and other services within the boundaries of
10 Naval Air Station, Pensacola. The Secretary may require
11 the Foundation to reimburse the Secretary for the facili-
12 ties, utilities, maintenance, or other services so provided
13 or may provide the facilities, utilities, maintenance, or
14 other services without reimbursement by the Foundation.

15 (2) Any assistance provided the Foundation pursuant
16 to paragraph (1) may be terminated by the Secretary
17 without notice, cause, or liability to the United States.

18 (g) ADDITIONAL TERMS AND CONDITIONS.—The
19 Secretary may require such additional terms and condi-
20 tions in connection with the lease under subsection (a) as
21 the Secretary considers appropriate to protect the inter-
22 ests of the United States.

1 **SEC. 2851. LAND CONVEYANCE, NAVAL RESERVE CENTER,**
2 **TAMPA, FLORIDA.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of
4 the Navy may convey to the Tampa Port Authority of
5 Tampa, Florida (in this section referred to as the “Port
6 Authority”), all right, title, and interest of the United
7 States in and to a parcel of real property, including any
8 improvements thereon, consisting of approximately 2.18
9 acres and comprising the Naval Reserve Center, Tampa,
10 Florida, for the purpose of permitting the Port Authority
11 to use the parcel to facilitate the expansion of the Port
12 of Tampa.

13 (b) CONDITIONS OF CONVEYANCE.—The conveyance
14 authorized under subsection (a) shall be subject to the fol-
15 lowing conditions:

16 (1) The Port Authority will accept the Naval
17 Reserve Center as is.

18 (2) The Port Authority will provide a replace-
19 ment facility for the Naval Reserve Center on a site
20 of comparable size and consisting of comparable im-
21 provements on port property or other public land ac-
22 ceptable to the Secretary. In the event that a feder-
23 ally owned site acceptable to the Secretary is not
24 available for the construction of the replacement fa-
25 cility, the Port Authority will provide a site for the

1 replacement facility acceptable to the Secretary and
2 convey it in fee title to the United States.

3 (3) The Port Authority will procure all nec-
4 essary funding and the planning and design nec-
5 essary to construct a replacement facility that is
6 fully operational and satisfies the Base Facilities Re-
7 quirements plan, as provided by the Naval Reserve.

8 (4) The Port Authority will bear all reasonable
9 costs that the Navy may incur in the relocating to
10 the replacement facility.

11 (c) TIME FOR CONVEYANCE.—The Secretary may not
12 make the conveyance authorized under subsection (a) until
13 all of the conditions specified in subsection (b) have been
14 met to the satisfaction of the Secretary.

15 (d) DESCRIPTION OF PROPERTY.—The exact acreage
16 and legal description of the real property to be conveyed
17 under subsection (a) shall be determined by a survey satis-
18 factory to the Secretary. The cost of the survey shall be
19 borne by the Port Authority.

20 (e) ADDITIONAL TERMS AND CONDITIONS.—The
21 Secretary may require such additional terms and condi-
22 tions in connection with the conveyance under subsection
23 (a) as the Secretary considers appropriate to protect the
24 interests of the United States.

1 **SEC. 2852. MODIFICATION OF LAND CONVEYANCE, DE-**
2 **FENSE FUEL SUPPLY POINT, CASCO BAY,**
3 **MAINE.**

4 Section 2839 of the Military Construction Authoriza-
5 tion Act for Fiscal Year 1995 (division B of Public Law
6 103–337; 108 Stat. 3065) is amended—

7 (1) by redesignating subsections (c) and (d) as
8 subsections (d) and (e), respectively; and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection:

11 “(c) REPLACEMENT OF REMOVED ELECTRIC UTIL-
12 ITY SERVICE.—(1) The Secretary of Defense shall replace
13 the electric utility service removed during the course of
14 environmental remediation carried out with respect to the
15 property to be conveyed under subsection (a), including
16 the procurement and installation of electrical cables,
17 switch cabinets, and transformers associated with the
18 service.

19 “(2) As part of the replacement of the electric utility
20 service under paragraph (1), the Secretary of Defense
21 may, at the request of the Town, improve the electric util-
22 ity service and install telecommunications service. The
23 Secretary shall determine, in consultation with the Town,
24 the additional costs that would be associated with the im-
25 provement of the electric utility service and the installation
26 of telecommunications service under this paragraph, and

1 the Town shall be responsible for the payment of such
2 costs.”.

3 **SEC. 2853. LAND CONVEYANCE, NAVAL COMPUTER AND**
4 **TELECOMMUNICATIONS STATION, CUTLER,**
5 **MAINE.**

6 (a) CONVEYANCE AUTHORIZED.—The Secretary of
7 the Navy may convey, without consideration, to the State
8 of Maine, any political subdivision of the State of Maine,
9 or any tax-supported agency in the State of Maine, all
10 right, title, and interest of the United States in and to
11 a parcel of real property, including any improvements
12 thereon, consisting of approximately 263 acres located in
13 Washington County, Maine, and known as the Naval Com-
14 puter and Telecommunications Station, Cutler, Maine.

15 (b) REIMBURSEMENT FOR ENVIRONMENTAL AND
16 OTHER ASSESSMENTS.—(1) The Secretary may require
17 the recipient of the property conveyed under this section
18 to reimburse the Secretary for the costs incurred by the
19 Secretary for any environmental assessments and other
20 studies and analyses carried out by the Secretary with re-
21 spect to the property to be conveyed under this section
22 before the conveyance of the property under this section.

23 (2) The amount of any reimbursement required under
24 paragraph (1) shall be determined by the Secretary and
25 may not exceed the cost of the assessments, studies, and

1 analyses for which reimbursement is required under that
2 paragraph.

3 (3) Section 2695(c) of title 10, United States Code,
4 shall apply to the amounts received by the Secretary.

5 (c) LEASE OF PROPERTY PENDING CONVEYANCE.—

6 (1) Pending the conveyance by deed of the property au-
7 thorized to be conveyed by subsection (a), the Secretary
8 may enter into one or more leases of the property.

9 (2) The Secretary shall deposit any amounts paid
10 under a lease under paragraph (1) in the appropriation
11 or account providing funds for the protection, mainte-
12 nance, or repair of the property, or for the provision of
13 utility services for the property. Amounts so deposited
14 shall be merged with funds in the appropriation or account
15 in which deposited, and shall be available for the same
16 purposes, and subject to the same conditions and limita-
17 tions, as the funds with which merged.

18 (d) DESCRIPTION OF PROPERTY.—The exact acreage
19 and legal description of the property to be conveyed under
20 subsection (a) shall be determined by a survey satisfactory
21 to the Secretary. The cost of the survey shall be borne
22 by the recipient of the property.

23 (e) ADDITIONAL TERMS AND CONDITIONS.—The
24 Secretary may require such additional terms and condi-
25 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the
2 interests of the United States.

3 **SEC. 2854. MODIFICATION OF LAND CONVEYANCE AUTHOR-**
4 **ITY, FORMER NAVAL TRAINING CENTER,**
5 **BAINBRIDGE, CECIL COUNTY, MARYLAND.**

6 Section 1 of Public Law 99–596 (100 Stat. 3349)
7 is amended—

8 (1) in subsection (a), by striking “subsections
9 (b) through (f)” and inserting “subsections (b)
10 through (e)”;

11 (2) by striking subsection (b) and inserting the
12 following new subsection:

13 “(b) CONSIDERATION.—(1) In the event of the trans-
14 fer of the property under subsection (a) to the State of
15 Maryland, the transfer shall be with consideration or with-
16 out consideration from the State of Maryland, at the elec-
17 tion of the Secretary.

18 “(2) If the Secretary elects to receive consideration
19 from the State of Maryland under paragraph (1), the Sec-
20 retary may reduce the amount of consideration to be re-
21 ceived from the State of Maryland under that paragraph
22 by an amount equal to the cost, estimated as of the time
23 of the transfer of the property under this section, of the
24 restoration of the historic buildings on the property. The

1 total amount of the reduction of consideration under this
2 paragraph may not exceed \$500,000.”;

3 (3) by striking subsection (d); and

4 (4) by redesignating subsections (e) and (f) as
5 subsections (d) and (e), respectively.

6 **SEC. 2855. LAND CONVEYANCE, MARINE CORPS BASE, CAMP**
7 **LEJEUNE, NORTH CAROLINA.**

8 (a) CONVEYANCE AUTHORIZED.—The Secretary of
9 the Navy may convey to the City of Jacksonville, North
10 Carolina (in this section referred to as the “City”), all
11 right, title, and interest of the United States in and to
12 a parcel of real property, including any improvements
13 thereon, that is currently leased to Norfolk Southern Cor-
14 poration and consists of approximately 50 acres, known
15 as the railroad right-of-way, lying within the City between
16 Highway 24 and Highway 17, at the Marine Corps Base,
17 Camp Lejeune, North Carolina, for the purpose of permit-
18 ting the City to develop the parcel for initial use as a bike/
19 green way trail.

20 (b) CONSIDERATION.—As consideration for the con-
21 veyance under subsection (a), the City shall reimburse the
22 Secretary (in such amounts as the Secretary may deter-
23 mine) for the expenses incurred by the Secretary in mak-
24 ing the conveyance, including costs related to planning,
25 design, surveys, environmental assessment and compli-

1 ance, supervision and inspection of construction, severing
2 and realigning utility systems, and other prudent and nec-
3 essary actions. Section 2695(c) of title 10, United States
4 Code, shall apply to the amounts received by the Sec-
5 retary.

6 (c) CONDITION OF CONVEYANCE.—The Secretary
7 may retain such easements, rights-of-way, and other inter-
8 ests in the property to be conveyed under subsection (a)
9 and impose such restrictions on the use of the conveyed
10 property as the Secretary considers necessary to ensure
11 the effective security, maintenance, and operations of the
12 Marine Corps Base, Camp Lejeune, North Carolina, and
13 to protect human health and the environment.

14 (d) DESCRIPTION OF PROPERTY.—The exact acreage
15 and legal description of the real property to be conveyed
16 under subsection (a) shall be determined by a survey satis-
17 factory to the Secretary.

18 (e) ADDITIONAL TERMS AND CONDITIONS.—The
19 Secretary may require such additional terms and condi-
20 tions in connection with the conveyance under subsection
21 (a) as the Secretary considers appropriate to protect the
22 interests of the United States.

1 **SEC. 2856. LAND EXCHANGE, NAVAL AIR RESERVE CENTER,**
2 **COLUMBUS, OHIO.**

3 (a) EXCHANGE AUTHORIZED.—The Secretary of the
4 Navy may convey to the Rickenbacker Port Authority of
5 Columbus, Ohio (in this section referred to as the “Au-
6 thority”), all right, title, and interest of the United States
7 in and to a parcel of real property, including any improve-
8 ments thereon, consisting of approximately 24 acres com-
9 prising the civilian facilities of the Naval Air Reserve at
10 Rickenbacker International Airport in Franklin County,
11 Ohio, in exchange for the Authority’s conveyance to the
12 Secretary of all right, title, and interest of the Authority
13 in and to a parcel of real property consisting of approxi-
14 mately 10 to 15 acres acceptable to the Secretary at Rick-
15 enbacker International Airport.

16 (b) USE OF ACQUIRED PROPERTY.—The Secretary
17 shall use the real property acquired from the Authority
18 in the exchange as the site for a replacement facility that
19 will house both the Naval Air Reserve Center at Ricken-
20 backer International Airport and the Naval and Marine
21 Corps Reserve Center currently located in Columbus,
22 Ohio.

23 (c) TIME FOR CONVEYANCE.—The Secretary may not
24 make the conveyance to the Authority authorized by sub-
25 section (a) until the Secretary determines that the replace-

1 ment facility described in subsection (b) has been con-
2 structed and is ready for occupancy.

3 (d) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the parcels of real property to be
5 exchanged under subsection (a) shall be determined by
6 surveys satisfactory to the Secretary. The cost of the sur-
7 veys shall be borne by the Authority.

8 (e) ADDITIONAL TERMS AND CONDITIONS.—The
9 Secretary may require such additional terms and condi-
10 tions in connection with the exchange under subsection (a)
11 as the Secretary considers appropriate to protect the inter-
12 ests of the United States.

13 **SEC. 2857. LAND CONVEYANCE, NAVAL STATION, BREM-**
14 **ERTON, WASHINGTON.**

15 (a) CONVEYANCE AUTHORIZED.—The Secretary of
16 the Navy may convey to the City of Bremerton, Wash-
17 ington (in this section referred to as the “City”), all right,
18 title, and interest of the United States in and to a parcel
19 of real property, including any improvements thereon, con-
20 sisting of approximately 45.8 acres and comprising the
21 former East Park Transient Family Accommodations,
22 which was an off-site housing facility for Naval Station,
23 Bremerton, Washington.

24 (b) CONSIDERATION.—(1) The conveyance under
25 subsection (a) may be made without consideration to the

1 extent the real property to be conveyed will be used by
2 the City, directly or through an agreement with a public
3 or private entity, for public health, public safety, edu-
4 cation, affordable housing, or public recreation.

5 (2) If the City intends to use a portion of the con-
6 veyed property for a purpose not specified in paragraph
7 (1), the City shall pay to the United States an amount
8 equal to the fair market value of that portion of the prop-
9 erty. The fair market value shall be determined by an ap-
10 praisal acceptable to the Secretary.

11 (c) ADMINISTRATIVE EXPENSES.—The City shall re-
12 imburse the Secretary for administrative expenses in-
13 curred by the Secretary in carrying out the conveyance
14 under subsection (a), including expenses related to plan-
15 ning, design, survey, environmental compliance, and other
16 prudent and necessary actions. Section 2695(c) of title 10,
17 United States Code, shall apply to the amounts received
18 by the Secretary.

19 (d) DESCRIPTION OF PROPERTY.—The exact acreage
20 and legal description of the real property to be conveyed
21 under subsection (a) shall be determined by a survey satis-
22 factory to the Secretary.

23 (e) ADDITIONAL TERMS AND CONDITIONS.—The
24 Secretary may require such additional terms and condi-
25 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the
2 interests of the United States.

3 **PART III—AIR FORCE CONVEYANCES**

4 **SEC. 2861. LAND CONVEYANCE, LOS ANGELES AIR FORCE**
5 **BASE, CALIFORNIA.**

6 (a) CONVEYANCE AUTHORIZED.—The Secretary of
7 the Air Force may convey, by sale or lease upon such
8 terms as the Secretary considers appropriate, all or any
9 portion of the following parcels of real property, including
10 any improvements thereon, at Los Angeles Air Force
11 Base, California:

12 (1) Approximately 42 acres in El Segundo,
13 California, commonly known as Area A.

14 (2) Approximately 52 acres in El Segundo,
15 California, commonly known as Area B.

16 (3) Approximately 13 acres in Hawthorne, Cali-
17 fornia, commonly known as the Lawndale Annex.

18 (4) Approximately 3.7 acres in Sun Valley,
19 California, commonly known as the Armed Forces
20 Radio and Television Service Broadcast Center.

21 (b) CONSIDERATION.—As consideration for the con-
22 veyance of real property under subsection (a), the recipi-
23 ent of the property shall provide for the design and con-
24 struction on real property acceptable to the Secretary of
25 one or more facilities to consolidate the mission and sup-

1 port functions at Los Angeles Air Force Base. Any such
2 facility must comply with the seismic and safety design
3 standards for Los Angeles County, California, in effect at
4 the time the Secretary takes possession of the facility.

5 (c) LEASEBACK AUTHORITY.—If the fair market
6 value of a facility to be provided as consideration for the
7 conveyance of real property under subsection (a) exceeds
8 the fair market value of the conveyed property, the Sec-
9 retary may enter into a lease for the facility for a period
10 not to exceed 10 years. Rental payments under the lease
11 shall be established at the rate necessary to permit the
12 lessor to recover, by the end of the lease term, the dif-
13 ference between the fair market value of a facility and the
14 fair market value of the conveyed property. At the end
15 of the lease, all right, title, and interest in the facility shall
16 vest in the United States.

17 (d) APPRAISAL OF PROPERTY.—The Secretary shall
18 obtain an appraisal of the fair market value of all property
19 and facilities to be sold, leased, or acquired under this sec-
20 tion. An appraisal shall be made by a qualified appraiser
21 familiar with the type of property to be appraised. The
22 Secretary shall consider the appraisals in determining
23 whether a proposed conveyance accomplishes the purpose
24 of this section and is in the interest of the United States.
25 Appraisal reports shall not be released outside of the Fed-

1 eral Government, other than to the other party to a con-
2 veyance.

3 (e) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of real property to be conveyed under
5 subsection (a) or acquired under subsection (b) shall be
6 determined by a survey satisfactory to the Secretary. The
7 cost of the survey shall be borne by the recipient of the
8 property.

9 (f) EXEMPTION.—Section 2696 of title 10, United
10 States Code, does not apply to the conveyance authorized
11 by subsection (a).

12 (g) ADDITIONAL TERMS AND CONDITIONS.—The
13 Secretary may require such additional terms and condi-
14 tions in connection with a conveyance under subsection (a)
15 or a lease under subsection (c) as the Secretary considers
16 appropriate to protect the interests of the United States.

17 **SEC. 2862. LAND CONVEYANCE, POINT ARENA AIR FORCE**
18 **STATION, CALIFORNIA.**

19 (a) CONVEYANCE AUTHORIZED.—The Secretary of
20 the Air Force may convey, without consideration, to
21 Mendocino County, California (in this section referred to
22 as the “County”), all right, title, and interest of the
23 United States in and to a parcel of real property, including
24 any improvements thereon, consisting of approximately 82
25 acres at the Point Arena Air Force Station, California,

1 for the purpose of permitting the County to use the parcel
2 for municipal and other public purposes.

3 (b) CONDITIONS OF CONVEYANCE.—The conveyance
4 under subsection (a) shall be subject to the condition that
5 the County—

6 (1) use the conveyed property, directly or
7 through an agreement with a public or private enti-
8 ty, for municipal and other public purposes;

9 (2) convey the property to an appropriate public
10 or private entity that will use the conveyed property
11 for such purposes; or

12 (3) convey the property by sale or exchange
13 and—

14 (A) if conveyed by exchange, use the prop-
15 erty acquired in the exchange for such pur-
16 poses; or

17 (B) if conveyed by sale, use the proceeds to
18 acquire property that will be used for such pur-
19 poses.

20 (c) CONSIDERATION.—If the Secretary determines at
21 any time that the County, or a public or private entity
22 to which the property is reconveyed as authorized by para-
23 graph (2) of subsection (b), has failed to comply with the
24 conditions specified in such subsection, the County shall
25 pay the United States an amount equal to the fair market

1 value of the property conveyed under subsection (a), as
2 determined by an appraisal satisfactory to the Secretary.

3 (d) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the real property to be conveyed
5 under subsection (a) shall be determined by a survey satis-
6 factory to the Secretary. The cost of the survey shall be
7 borne by the County.

8 (e) ADDITIONAL TERMS AND CONDITIONS.—The
9 Secretary may require such additional terms and condi-
10 tions in connection with the conveyance under subsection
11 (a) as the Secretary considers appropriate to protect the
12 interests of the United States.

13 **SEC. 2863. LAND CONVEYANCE, LOWRY AIR FORCE BASE,**
14 **COLORADO.**

15 (a) CONVEYANCE AUTHORIZED.—The Secretary of
16 the Air Force may convey, without consideration, or lease
17 upon such terms as the Secretary considers appropriate,
18 to the Lowry Redevelopment Authority (in this section re-
19 ferred to as the “Authority”) all right, title, and interest
20 of the United States in and to seven parcels of real prop-
21 erty, including any improvements thereon, consisting of
22 approximately 23 acres at the former Lowry Air Force
23 Base, Colorado, for the purpose of permitting the Author-
24 ity to use the property in furtherance of economic develop-
25 ment and other public purposes.

1 (b) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of real property to be conveyed or
3 leased under subsection (a) shall be determined by a sur-
4 vey satisfactory to the Secretary. The cost of the survey
5 shall be borne by the Authority.

6 (c) ADDITIONAL TERMS AND CONDITIONS.—The
7 Secretary may require such additional terms and condi-
8 tions in connection with a conveyance or lease under sub-
9 section (a) as the Secretary considers appropriate to pro-
10 tect the interests of the United States.

11 **SEC. 2864. LAND CONVEYANCE, WRIGHT PATTERSON AIR**
12 **FORCE BASE, OHIO.**

13 (a) CONVEYANCE AUTHORIZED.—The Secretary of
14 the Air Force may convey, without consideration, to
15 Greene County, Ohio (in this section referred to as the
16 “County”), all right, title, and interest of the United
17 States in and to a parcel of real property, including any
18 improvements thereon, consisting of approximately 92
19 acres comprising the communications test annex at Wright
20 Patterson Air Force Base, Ohio, for the purpose of per-
21 mitting the County to use the parcel for recreational pur-
22 poses.

23 (b) DESCRIPTION OF PROPERTY.—The exact acreage
24 and legal description of the real property to be conveyed
25 under subsection (a) shall be determined by a survey satis-

1 factory to the Secretary. The cost of the survey shall be
2 borne by the County.

3 (c) ADDITIONAL TERMS AND CONDITIONS.—The
4 Secretary may require such additional terms and condi-
5 tions in connection with the conveyance under subsection
6 (a) as the Secretary considers appropriate to protect the
7 interests of the United States.

8 **SEC. 2865. MODIFICATION OF LAND CONVEYANCE, ELLS-**
9 **WORTH AIR FORCE BASE, SOUTH DAKOTA.**

10 (a) CHANGE IN RECIPIENT.—Subsection (a) of sec-
11 tion 2863 of the Military Construction Authorization Act
12 for Fiscal Year 1998 (division B of Public Law 105–85;
13 111 Stat. 2010) is amended by striking “Greater Box
14 Elder Area Economic Development Corporation, Box
15 Elder, South Dakota (in this section referred to as the
16 ‘Corporation’)” and inserting “West River Foundation for
17 Economic and Community Development, Sturgis, South
18 Dakota (in this section referred to as the ‘Foundation’)”.

19 (b) CONFORMING AMENDMENTS.—Such section is
20 further amended by striking “Corporation” each place it
21 appears in subsections (c) and (e) and inserting “Founda-
22 tion”.

1 **SEC. 2866. LAND CONVEYANCE, MUKILTEO TANK FARM,**
2 **EVERETT, WASHINGTON.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of
4 the Air Force may convey, without consideration, to the
5 Port of Everett, Washington (in this section referred to
6 as the “Port”), all right, title, and interest of the United
7 States in and to a parcel of real property, including any
8 improvements thereon, consisting of approximately 22
9 acres and known as the Mukilteo Tank Farm for the pur-
10 pose of permitting the Port to use the parcel for the devel-
11 opment and operation of a port facility and for other pub-
12 lic purposes.

13 (b) PERSONAL PROPERTY.—The Secretary of the Air
14 Force may include as part of the conveyance authorized
15 by subsection (a) any personal property at the Mukilteo
16 Tank Farm that is excess to the needs of the Air Force
17 if the Secretary of Transportation determines that such
18 personal property is appropriate for the development or
19 operation of the Mukilteo Tank Farm as a port facility.

20 (c) INTERIM LEASE.—(1) Until such time as the real
21 property described in subsection (a) is conveyed by deed,
22 the Secretary of the Air Force may lease all or part of
23 the real property to the Port if the Secretary determines
24 that the real property is suitable for lease and the lease
25 of the property under this subsection will not interfere

1 with any environmental remediation activities or schedules
2 under applicable law or agreements.

3 (2) The determination under paragraph (1) whether
4 the lease of the real property will interfere with environ-
5 mental remediation activities or schedules referred to in
6 that paragraph shall be based upon an environmental
7 baseline survey conducted in accordance with applicable
8 Air Force regulations and policy.

9 (3) Except as provided by paragraph (4), as consider-
10 ation for the lease under this subsection, the Port shall
11 pay the Secretary an amount equal to the fair market of
12 the lease, as determined by the Secretary.

13 (4) The amount of consideration paid by the Port for
14 the lease under this subsection may be an amount, as de-
15 termined by the Secretary, less than the fair market value
16 of the lease if the Secretary determines that—

17 (A) the public interest will be served by an
18 amount of consideration for the lease that is less
19 than the fair market value of the lease; and

20 (B) payment of an amount equal to the fair
21 market value of the lease is unobtainable.

22 (d) DESCRIPTION OF PROPERTY.—The exact acreage
23 and legal description of the property to be conveyed under
24 subsection (a) shall be determined by a survey satisfactory
25 to the Secretary of the Air Force and the Port.

1 (e) ADDITIONAL TERMS AND CONDITIONS.—The
2 Secretary of the Air Force, in consultation with the Sec-
3 retary of Transportation, may require such additional
4 terms and conditions in connection with the conveyance
5 under subsection (a) as the Secretary of the Air Force
6 considers appropriate to protect the interests of the
7 United States.

8 **PART IV—OTHER CONVEYANCES**

9 **SEC. 2871. LAND CONVEYANCE, ARMY AND AIR FORCE EX-**
10 **CHANGE SERVICE PROPERTY, FARMERS**
11 **BRANCH, TEXAS.**

12 (a) CONVEYANCE AUTHORIZED.—The Secretary of
13 Defense may authorize the Army and Air Force Exchange
14 Service, which is a nonappropriated fund instrumentality
15 of the United States, to sell all right, title, and interest
16 of the United States in and to a parcel of real property,
17 including improvements thereon, that is located at 2727
18 LBJ Freeway in Farmers Branch, Texas.

19 (b) CONSIDERATION.—As consideration for convey-
20 ance under subsection (a), the purchaser shall pay, in a
21 single lump sum payment, an amount equal to the fair
22 market value of the real property conveyed, as determined
23 by the Secretary. The payment shall be handled in the
24 manner provided in section 204(c) of the Federal Property

1 and Administrative Services Act of 1949 (40 U.S.C.
2 485(c)).

3 (c) CONGRESSIONAL REPORT.—Within 30 days after
4 the sale of the property under subsection (a), the Sec-
5 retary shall submit to Congress a report detailing the par-
6 ticulars of the sale.

7 (d) DESCRIPTION OF PROPERTY.—The exact acreage
8 and legal description of the real property to be conveyed
9 under subsection (a) shall be determined by a survey satis-
10 factory to the Secretary. The cost of the survey shall be
11 borne by the purchaser.

12 (e) ADDITIONAL TERMS AND CONDITIONS.—The
13 Secretary may require such additional terms and condi-
14 tions in connection with the conveyance under subsection
15 (a) as the Secretary considers appropriate to protect the
16 interests of the United States.

17 **SEC. 2872. LAND CONVEYANCE, FORMER NATIONAL**
18 **GROUND INTELLIGENCE CENTER, CHAR-**
19 **LOTTESVILLE, VIRGINIA.**

20 (a) CONVEYANCE AUTHORIZED.—The Administrator
21 of General Services may convey, without consideration, to
22 the City of Charlottesville, Virginia (in this section re-
23 ferred to as the “City”), all right, title, and interest of
24 the United States in and to a parcel of real property, in-
25 cluding any improvements thereon, formerly occupied by

1 the National Ground Intelligence Center and known as the
2 Jefferson Street Property, for the purpose of permitting
3 the City to use the parcel, directly or through an agree-
4 ment with a public or private entity, for economic develop-
5 ment purposes.

6 (b) AUTHORITY TO CONVEY WITHOUT CONSIDER-
7 ATION.—The conveyance authorized by subsection (a) may
8 be made without consideration if the Administrator deter-
9 mines that conveyance on that basis would be in the best
10 interests of the United States.

11 (c) REVERSIONARY INTEREST.—During the five-year
12 period beginning on the date the Administrator makes the
13 conveyance authorized by subsection (a), if the Adminis-
14 trator determines that the conveyed real property is not
15 being used in accordance with the purpose specified in
16 such subsection, all right, title, and interest in and to the
17 property, including any improvements thereon, may upon
18 the election of the Administrator revert to the United
19 States, and upon such reversion the United States shall
20 have the right of immediate entry onto the property.

21 (d) LIMITATION ON CERTAIN SUBSEQUENT CONVEY-
22 ANCES.—(1) Subject to paragraph (2), if at any time after
23 the Administrator makes the conveyance authorized by
24 subsection (a) the City conveys any portion of the parcel

1 conveyed under that subsection to a private entity, the
2 City shall pay to the United States an amount equal to—

3 (A) the fair market value (as determined by the
4 Administrator) of the portion conveyed at the time
5 of the conveyance; less

6 (B) the cost of any improvements to the prop-
7 erty made by the City.

8 (2) Paragraph (1) applies to a conveyance described
9 in such paragraph only if the Administrator makes the
10 conveyance authorized by subsection (a) without consider-
11 ation.

12 (3) The Administrator shall deposit any amounts
13 paid the United States under this subsection into the fund
14 established by section 210(f) of the Federal Property and
15 Administrative Services Act of 1949 (40 U.S.C. 490(f)).
16 Any amounts so deposited shall be available to the Admin-
17 istrator for real property management and related activi-
18 ties as provided for under paragraph (2) of such section.

19 (e) DESCRIPTION OF PROPERTY.—The exact acreage
20 and legal description of the real property to be conveyed
21 under subsection (a) shall be determined by a survey satis-
22 factory to the Administrator. The cost of the survey shall
23 be borne by the City.

24 (f) ADDITIONAL TERMS AND CONDITIONS.—The Ad-
25 ministrator may require such additional terms and condi-

1 tions in connection with the conveyance under subsection
 2 (a) as the Administrator considers appropriate to protect
 3 the interests of the United States.

4 **Subtitle E—Other Matters**

5 **SEC. 2881. RELATION OF EASEMENT AUTHORITY TO** 6 **LEASED PARKLAND, MARINE CORPS BASE,** 7 **CAMP PENDLETON, CALIFORNIA.**

8 Section 2851 of the Military Construction Authoriza-
 9 tion Act for Fiscal Year 1999 (division B of Public Law
 10 105–261; 112 Stat. 2219) is amended by adding at the
 11 end the following new subsection:

12 “(f) EXEMPTION FOR CERTAIN LEASED LANDS.—(1)
 13 Section 303 of title 49, and section 138 of title 23, United
 14 States Code, shall not apply to any approval by the Sec-
 15 retary of Transportation of the use by State Route 241
 16 of parkland within Camp Pendleton that is leased by the
 17 State of California, where the lease reserved to the United
 18 States the right to establish rights-of-way.

19 “(2) The Agency shall be responsible for the imple-
 20 mentation of any measures required by the Secretary of
 21 Transportation to mitigate the impact of the Agency’s use
 22 of parkland within Camp Pendleton for State Route 241.
 23 With the exception of those mitigation measures directly
 24 related to park functions, the measures shall be located
 25 outside the boundaries of Camp Pendleton. The required

1 mitigation measures related to park functions shall be im-
2 plemented in accordance with the terms of the lease re-
3 ferred to in paragraph (1).”.

4 **SEC. 2882. EXTENSION OF DEMONSTRATION PROJECT FOR**
5 **PURCHASE OF FIRE, SECURITY, POLICE, PUB-**
6 **LIC WORKS, AND UTILITY SERVICES FROM**
7 **LOCAL GOVERNMENT AGENCIES.**

8 Section 816(c) of the National Defense Authorization
9 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
10 2820), as added by section 2873 of the Strom Thurmond
11 National Defense Authorization Act for Fiscal Year 1999
12 (Public Law 105–261; 112 Stat. 2225), is amended by
13 striking “2000” and inserting “2001”.

14 **SEC. 2883. ACCEPTANCE AND USE OF GIFTS FOR CON-**
15 **STRUCTION OF THIRD BUILDING AT UNITED**
16 **STATES AIR FORCE MUSEUM, WRIGHT-PAT-**
17 **TERSON AIR FORCE BASE, OHIO.**

18 (a) ACCEPTANCE AUTHORIZED.—The Secretary of
19 the Air Force may accept from the Air Force Museum
20 Foundation, a private nonprofit foundation, gifts in the
21 form of cash, Treasury instruments, or comparable United
22 States Government securities for the purpose of paying
23 the costs of design and construction of a third building
24 for the United States Air Force Museum at Wright-Pat-
25 terson Air Force Base, Ohio. The terms of the gift may

1 specify that all or a part of the amount of the gift be uti-
2 lized solely for purposes of the design and construction
3 of a particular portion of the building.

4 (b) DEPOSIT IN ESCROW ACCOUNT.—The Secretary,
5 acting through the Comptroller of the Air Force Materiel
6 Command, shall deposit the amount of any cash, instru-
7 ments, or securities accepted as a gift under subsection
8 (a) in an escrow account established for that purpose.

9 (c) INVESTMENT.—Amounts in the escrow account
10 under subsection (b) not required to meet current require-
11 ments of the account shall be invested in public debt secu-
12 rities with maturities suitable to the needs of the account,
13 as determined by the Comptroller of the Air Force Mate-
14 riel Command, and bearing interest at rates that take into
15 consideration current market yields on outstanding mar-
16 ketable obligations of the United States of comparable ma-
17 turities. The income on such investments shall be credited
18 to and form a part of the account.

19 (d) UTILIZATION.—(1) Amounts in the escrow ac-
20 count under subsection (b), including any income on in-
21 vestments of such amounts under subsection (c), that are
22 attributable to a particular portion of the building de-
23 scribed in subsection (a) shall be utilized by the Comp-
24 troller of the Air Force Materiel Command to pay the
25 costs of the design and construction of such portion of

1 the building, including progress payments for such design
2 and construction.

3 (2) Subject to paragraph (3), amounts shall be pay-
4 able under paragraph (1) upon receipt by the Comptroller
5 of the Air Force Materiel Command of a notification from
6 an appropriate officer or employee of the Corps of Engi-
7 neers that such amounts are required for the timely pay-
8 ment of an invoice or claim for the performance of design
9 or construction activities for which such amounts are pay-
10 able under paragraph (1).

11 (3) The Comptroller of the Air Force Materiel Com-
12 mand shall, to the maximum extent practicable consistent
13 with good business practice, limit payment of amounts
14 from the account in order to maximize the return on in-
15 vestment of amounts in the account.

16 (e) LIMITATION ON CONTRACTS.—The Corps of En-
17 gineers may not enter into a contract for the design or
18 construction of a particular portion of the building de-
19 scribed in subsection (a) until amounts in the escrow ac-
20 count under subsection (b), including any income on in-
21 vestments of such amounts under subsection (c), that are
22 attributable to such portion of the building are sufficient
23 to cover the amount of such contract.

24 (f) LIQUIDATION OF ESCROW ACCOUNT.—Upon final
25 payment of all invoices and claims associated with the de-

1 sign and construction of the building described in sub-
2 section (a), the Secretary of the Air Force shall terminate
3 the escrow account under subsection (b). Any amounts in
4 the account upon final payment of invoices and claims
5 shall be available to the Secretary for such purposes as
6 the Secretary considers appropriate.

7 **SEC. 2884. DEVELOPMENT OF MARINE CORPS HERITAGE**
8 **CENTER AT MARINE CORPS BASE, QUANTICO,**
9 **VIRGINIA.**

10 (a) **AUTHORITY TO ENTER INTO JOINT VENTURE**
11 **FOR DEVELOPMENT.**—The Secretary of the Navy may
12 enter into a joint venture with the Marine Corps Heritage
13 Foundation, a not-for-profit entity, for the design and con-
14 struction of a multipurpose facility to be used for histor-
15 ical displays for public viewing, curation, and storage of
16 artifacts, research facilities, classrooms, offices, and asso-
17 ciated activities consistent with the mission of the Marine
18 Corps University. The facility shall be known as the Ma-
19 rine Corps Heritage Center.

20 (b) **AUTHORITY TO ACCEPT CERTAIN LAND.**—(1)
21 The Secretary may, if the Secretary determines it to be
22 necessary for the facility described in subsection (a), ac-
23 cept without compensation any portion of the land known
24 as Locust Shade Park which is now offered by the Park

1 Authority of the County of Prince William, Virginia, as
2 a potential site for the facility.

3 (2) The Park Authority may convey the land de-
4 scribed in paragraph (1) to the Secretary under this sec-
5 tion without regard to any limitation on its use, or require-
6 ment for its replacement upon conveyance, under section
7 6(f)(3) of the Land and Water Conservation Fund Act of
8 1965 (16 U.S.C. 460l–8(f)(3)) or under any other provi-
9 sion of law.

10 (c) DESIGN AND CONSTRUCTION.—For each phase of
11 development of the facility described in subsection (a), the
12 Secretary may—

13 (1) permit the Marine Corps Heritage Founda-
14 tion to contract for the design, construction, or both
15 of such phase of development; or

16 (2) accept funds from the Marine Corps Herit-
17 age Foundation for the design, construction, or both
18 of such phase of development.

19 (d) ACCEPTANCE AUTHORITY.—Upon completion of
20 construction of any phase of development of the facility
21 described in subsection (a) by the Marine Corps Heritage
22 Foundation to the satisfaction of the Secretary, and the
23 satisfaction of any financial obligations incident thereto by
24 the Marine Corps Heritage Foundation, the facility shall
25 become the property of the Department of the Navy with

1 all right, title, and interest in and to facility being in the
2 United States.

3 (e) LEASE OF FACILITY.—(1) The Secretary may
4 lease, under such terms and conditions as the Secretary
5 considers appropriate for the joint venture authorized by
6 subsection (a), portions of the facility developed under
7 that subsection to the Marine Corps Heritage Foundation
8 for use in generating revenue for activities of the facility
9 and for such administrative purposes as may be necessary
10 for support of the facility.

11 (2) The amount of consideration paid the Secretary
12 by the Marine Corps Heritage Foundation for the lease
13 under paragraph (1) may not exceed an amount equal to
14 the actual cost (as determined by the Secretary) of the
15 operation of the facility.

16 (3) Notwithstanding any other provision of law, the
17 Secretary shall use amounts paid under paragraph (2) to
18 cover the costs of operation of the facility.

19 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
20 retary may require such additional terms and conditions
21 in connection with the joint venture authorized by sub-
22 section (a) as the Secretary considers appropriate to pro-
23 tect the interests of the United States.

1 **SEC. 2885. ACTIVITIES RELATING TO THE GREENBELT AT**
2 **FALLON NAVAL AIR STATION, NEVADA.**

3 (a) IN GENERAL.—The Secretary of the Navy shall,
4 in consultation with the Secretary of the Army acting
5 through the Chief of Engineers, carry out appropriate ac-
6 tivities after examination of the potential environmental
7 and flight safety ramifications for irrigation that has been
8 eliminated, or will be eliminated, for the greenbelt at
9 Fallon Naval Air Station, Nevada. Any activities carried
10 out under the preceding sentence shall be consistent with
11 aircrew safety at Fallon Naval Air Station.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
13 hereby authorized to be appropriated for operation and
14 maintenance for the Navy such sums as may be necessary
15 to carry out the activities required by subsection (a).

16 **SEC. 2886. ESTABLISHMENT OF WORLD WAR II MEMORIAL**
17 **ON GUAM.**

18 (a) ESTABLISHMENT REQUIRED.—The Secretary of
19 Defense shall establish on Federal lands near the Fena
20 Caves in Guam a suitable memorial intended to honor
21 those Guamanian civilians who were killed during the oc-
22 cupation of Guam during World War II and to commemo-
23 rate the liberation of Guam by the United States Armed
24 Forces in 1944.

1 (b) MAINTENANCE OF MEMORIAL.—The Secretary of
2 Defense shall be responsible for the maintenance of the
3 memorial established pursuant to subsection (a).

4 (c) CONSULTATION.—In designing and building the
5 memorial and selecting the specific location for the memo-
6 rial, the Secretary of Defense shall consult with the Amer-
7 ican Battle Monuments Commission established under
8 chapter 21 of title 36, United States Code.

9 **SEC. 2887. NAMING OF ARMY MISSILE TESTING RANGE AT**
10 **KWAJALEIN ATOLL AS THE RONALD REAGAN**
11 **BALLISTIC MISSILE DEFENSE TEST SITE AT**
12 **KWAJALEIN ATOLL.**

13 The United States Army missile testing range located
14 at Kwajalein Atoll in the Marshall Islands shall after the
15 date of the enactment of this Act be known and designated
16 as the “Ronald Reagan Ballistic Missile Defense Test Site
17 at Kwajalein Atoll”. Any reference to that range in any
18 law, regulation, map, document, record, or other paper of
19 the United States shall be considered to be a reference
20 to the Ronald Reagan Ballistic Missile Defense Test Site
21 at Kwajalein Atoll.

1 **SEC. 2888. DESIGNATION OF BUILDING AT FORT BELVOIR,**
2 **VIRGINIA, IN HONOR OF ANDREW T. MCNA-**
3 **MARA.**

4 The building at 8725 John J. Kingman Road, Fort
5 Belvoir, Virginia, shall be known and designated as the
6 “Andrew T. McNamara Building”. Any reference to that
7 building in any law, regulation, map, document, record,
8 or other paper of the United States shall be considered
9 to be a reference to the Andrew T. McNamara Building.

10 **SEC. 2889. DESIGNATION OF BALBOA NAVAL HOSPITAL,**
11 **SAN DIEGO, CALIFORNIA, IN HONOR OF BOB**
12 **WILSON, A FORMER MEMBER OF THE HOUSE**
13 **OF REPRESENTATIVES.**

14 The Balboa Naval Hospital in San Diego, California,
15 shall be known and designated as the “Bob Wilson Naval
16 Hospital”. Any reference to the Balboa Naval Hospital in
17 any law, regulation, map, document, record, or other
18 paper of the United States shall be considered to be a ref-
19 erence to the Bob Wilson Naval Hospital.

20 **SEC. 2890. SENSE OF CONGRESS REGARDING IMPORTANCE**
21 **OF EXPANSION OF NATIONAL TRAINING CEN-**
22 **TER, FORT IRWIN, CALIFORNIA.**

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

1 (1) The National Training Center at Fort
2 Irwin, California, is the Army's premier warfare
3 training center.

4 (2) The National Training Center was cited by
5 General Norman Schwarzkopf as being instrumental
6 to the success of the allied victory in the Persian
7 Gulf conflict.

8 (3) The National Training Center gives a mili-
9 tary unit the opportunity to use high-tech equipment
10 and confront realistic opposing forces in order to ac-
11 curately discover the unit's strengths and weak-
12 nesses.

13 (4) The current size of the National Training
14 Center is insufficient in light of the advanced equip-
15 ment and technology required for modern warfare
16 training.

17 (5) The expansion of the National Training
18 Center to include additional lands would permit mili-
19 tary units and members of the Armed Forces to ade-
20 quately prepare for future conflicts and various war-
21 fare scenarios they may encounter throughout the
22 world.

23 (6) Additional lands for the expansion of the
24 National Training Center are presently available in
25 the California desert.

1 (7) The expansion of the National Training
2 Center is a top priority of the Army and the Office
3 of the Secretary of Defense.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the prompt expansion of the National Training
6 Center is vital to the national security interests of the
7 United States.

8 **SEC. 2891. SENSE OF CONGRESS REGARDING LAND TRANS-**
9 **FERS AT MELROSE RANGE, NEW MEXICO,**
10 **AND YAKIMA TRAINING CENTER, WASH-**
11 **INGTON.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) The Secretary of the Air Force seeks the
15 transfer of 6,713 acres of public domain land within
16 the Melrose Range, New Mexico, from the Depart-
17 ment of the Interior to the Department of the Air
18 Force for the continued use of these lands as a mili-
19 tary range.

20 (2) The Secretary of the Army seeks the trans-
21 fer of 6,640 acres of public domain land within the
22 Yakima Training Center, Washington, from the De-
23 partment of the Interior to the Department of the
24 Army for military training purposes.

1 (3) The transfers provide the Department of
 2 the Air Force and the Department of the Army with
 3 complete land management control of these public
 4 domain lands to allow for effective land manage-
 5 ment, minimize safety concerns, and ensure mean-
 6 ingful training.

7 (4) The Department of the Interior concurs
 8 with the land transfers at Melrose Range and
 9 Yakima Training Center.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
 11 gress that the land transfers at Melrose Range, New Mex-
 12 ico, and Yakima Training Center, Washington, will sup-
 13 port military training, safety, and land management con-
 14 cerns on the lands subject to transfer.

15 **DIVISION C—DEPARTMENT OF**
 16 **ENERGY NATIONAL SECURITY**
 17 **AUTHORIZATIONS AND**
 18 **OTHER AUTHORIZATIONS**
 19 **TITLE XXXI—DEPARTMENT OF**
 20 **ENERGY NATIONAL SECURITY**
 21 **PROGRAMS**

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
 Sec. 3102. Defense environmental restoration and waste management.
 Sec. 3103. Other defense activities.
 Sec. 3104. Defense environmental management privatization.
 Sec. 3105. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.
- Sec. 3129. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Funding for termination costs of River Protection Project, Richland, Washington.
- Sec. 3132. Enhanced cooperation between National Nuclear Security Administration and Ballistic Missile Defense Organization.
- Sec. 3133. Reprogramming of funds available for infrastructure upgrades or maintenance in certain accounts of the National Nuclear Security Administration.
- Sec. 3134. Adjustment of composite theoretical performance levels for post-shipment verification reports on advanced supercomputer sales to certain foreign nations.
- Sec. 3135. Modification of counterintelligence polygraph program.
- Sec. 3136. Employee incentives for employees at closure project facilities.
- Sec. 3137. Continuation of processing, treatment, and disposition of legacy nuclear materials.
- Sec. 3138. Contingent limitation on use of certain funds pending certifications of compliance with Formerly Utilized Sites Remedial Action Program funding prohibition.
- Sec. 3139. Conceptual design for Subsurface Geosciences Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho.
- Sec. 3140. Report on National Ignition Facility, Lawrence Livermore National Laboratory, Livermore, California.
- Sec. 3141. River Protection Project, Richland, Washington.
- Sec. 3142. Report on tank waste remediation system, Hanford Reservation, Richland, Washington.

Subtitle D—Matters Relating to Management of National Nuclear Security Administration

- Sec. 3151. Term of office of person first appointed as Under Secretary for Nuclear Security of the Department of Energy.
- Sec. 3152. Membership of Under Secretary for Nuclear Security on the Joint Nuclear Weapons Council.
- Sec. 3153. Organization plan for field offices of the National Nuclear Security Administration.
- Sec. 3154. Required contents of future-years nuclear security program.
- Sec. 3155. Future-years nuclear security program for fiscal year 2001.
- Sec. 3156. Engineering and manufacturing research, development, and demonstration by plant managers of certain nuclear weapons production plants.

- Sec. 3157. Prohibition on individuals engaging in concurrent service or duties within National Nuclear Security Administration and outside that Administration but within Department of Energy.
- Sec. 3158. Annual plan for obligation of funds of the National Nuclear Security Administration.
- Sec. 3159. Authority to reorganize National Nuclear Security Administration.

Subtitle E—National Laboratories Partnership Improvement

- Sec. 3161. Technology Infrastructure Pilot Program.
- Sec. 3162. Report on small business participation in National Nuclear Security Administration activities.
- Sec. 3163. Study and report related to improving mission effectiveness, partnerships, and technology transfer at national security laboratories and nuclear weapons production facilities.
- Sec. 3164. Report on effectiveness of National Nuclear Security Administration technology development partnerships with non-Federal entities.
- Sec. 3165. Definitions.

Subtitle F—Matters Relating to Defense Nuclear Nonproliferation

- Sec. 3171. Annual report on status of Nuclear Materials Protection, Control, and Accounting Program.
- Sec. 3172. Nuclear Cities Initiative.
- Sec. 3173. Department of Energy nonproliferation monitoring.
- Sec. 3174. Sense of Congress on the need for coordination of nonproliferation programs.
- Sec. 3175. Limitation on use of funds for International Nuclear Safety Program.

Subtitle G—Other Matters

- Sec. 3191. Extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3192. Biennial report containing update on nuclear test readiness postures.
- Sec. 3193. Frequency of reports on inadvertent releases of Restricted Data and Formerly Restricted Data.
- Sec. 3194. Form of certifications regarding the safety or reliability of the nuclear weapons stockpile.
- Sec. 3195. Authority to provide certificate of commendation to Department of Energy and contractor employees for exemplary service in stockpile stewardship and security.
- Sec. 3196. Cooperative research and development agreements for government-owned, contractor-operated laboratories.
- Sec. 3197. Office of Arctic Energy.

**Subtitle A—National Security
Programs Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-
TION.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$6,422,356,000, to be allocated as follows:

(1) WEAPONS ACTIVITIES.—For weapons activities, \$4,840,289,000, to be allocated as follows:

(A) For stewardship, \$4,505,545,000, to be allocated as follows:

(i) For directed stockpile work, \$862,603,000.

(ii) For campaigns, \$2,054,014,000, to be allocated as follows:

(I) For operation and maintenance, \$1,639,682,000.

(II) For construction, \$414,332,000, to be allocated as follows:

Project 01–D–101, distributed information systems labora-

1 tory, Sandia National Labora-
2 tries, Livermore, California,
3 \$2,300,000.

4 Project 00–D–103, terascale
5 simulation facility, Lawrence
6 Livermore National Laboratory,
7 Livermore, California,
8 \$5,000,000.

9 Project 00–D–105, strategic
10 computing complex, Los Alamos
11 National Laboratory, Los Ala-
12 mos, New Mexico, \$56,000,000.

13 Project 00–D–107, joint
14 computational engineering lab-
15 oratory, Sandia National Labora-
16 tries, Albuquerque, New Mexico,
17 \$6,700,000.

18 Project 98–D–125, tritium
19 extraction facility, Savannah
20 River Plant, Aiken, South Caro-
21 lina, \$75,000,000.

22 Project 98–D–126, accel-
23 erator production of tritium, var-
24 ious locations, \$25,000,000.

1 Project 97–D–102, dual-axis
2 radiographic hydrotest facility,
3 Los Alamos National Laboratory,
4 Los Alamos, New Mexico,
5 \$35,232,000.

6 Project 96–D–111, national
7 ignition facility (NIF), Lawrence
8 Livermore National Laboratory,
9 Livermore, California,
10 \$209,100,000.

11 (iii) For readiness in technical base
12 and facilities, \$1,588,928,000, to be allo-
13 cated as follows:

14 (I) For operation and mainte-
15 nance, \$1,429,087,000.

16 (II) For plant projects (including
17 maintenance, restoration, planning,
18 construction, acquisition, modification
19 of facilities, and the continuation of
20 projects authorized in prior years, and
21 land acquisition related thereto),
22 \$159,841,000, to be allocated as fol-
23 lows:

24 Project 01–D–103, prelimi-
25 nary project design and engineer-

1 ing, various locations,
2 \$14,500,000.

3 Project 01–D–124, highly
4 enriched uranium (HEU) mate-
5 rials storage facility, Y–12 Plant,
6 Oak Ridge, Tennessee,
7 \$17,800,000.

8 Project 01–D–126, weapons
9 evaluation test laboratory,
10 Pantex Plant, Amarillo, Texas,
11 \$3,000,000.

12 Project 99–D–103, isotope
13 sciences facilities, Lawrence
14 Livermore National Laboratory,
15 Livermore, California,
16 \$5,000,000.

17 Project 99–D–104, protec-
18 tion of real property (roof recon-
19 struction, phase II), Lawrence
20 Livermore National Laboratory,
21 Livermore, California,
22 \$2,800,000.

23 Project 99–D–106, model
24 validation and system certifi-
25 cation center, Sandia National

1 Laboratories, Albuquerque, New
2 Mexico, \$5,200,000.

3 Project 99–D–108, renovate
4 existing roadways, Nevada Test
5 Site, Nevada, \$2,000,000.

6 Project 99–D–125, replace
7 boilers and controls, Kansas City
8 Plant, Kansas City, Missouri,
9 \$13,000,000.

10 Project 99–D–127, stockpile
11 management restructuring initia-
12 tive, Kansas City plant, Kansas
13 City, Missouri, \$23,765,000.

14 Project 99–D–128, stockpile
15 management restructuring initia-
16 tive, Pantex Plant, Amarillo,
17 Texas, \$4,998,000.

18 Project 99–D–132, stockpile
19 management restructuring initia-
20 tive, nuclear material safeguards
21 and security upgrades project,
22 Los Alamos National Laboratory,
23 Los Alamos, New Mexico,
24 \$18,043,000.

1 Project 98–D–123, stockpile
2 management restructuring initia-
3 tive, tritium facility moderniza-
4 tion and consolidation, Savannah
5 River Plant, Aiken, South Caro-
6 lina, \$30,767,000.

7 Project 97–D–123, struc-
8 tural upgrades, Kansas City
9 Plant, Kansas City, Missouri,
10 \$2,918,000.

11 Project 95–D–102, chem-
12 istry and metallurgy research
13 (CMR) upgrades project, Los Al-
14 amos National Laboratory, Los
15 Alamos, New Mexico,
16 \$13,337,000.

17 Project 88–D–123, security
18 enhancements, Pantex Plant,
19 Amarillo, Texas, \$2,713,000.

20 (B) For secure transportation asset,
21 \$115,673,000, to be allocated as follows:

22 (i) For operation and maintenance,
23 \$79,357,000.

24 (ii) For program direction,
25 \$36,316,000.

1 (C) For program direction, \$219,071,000.

2 (2) DEFENSE NUCLEAR NONPROLIFERATION.—

3 For other nuclear security activities, \$877,467,000,

4 to be allocated as follows:

5 (A) For nonproliferation and verification

6 research and development, \$252,990,000, to be

7 allocated as follows:

8 (i) For operation and maintenance,

9 \$245,990,000.

10 (ii) For plant projects (including

11 maintenance, restoration, planning, con-

12 struction, acquisition, modification of fa-

13 cilities, and the continuation of projects

14 authorized in prior years, and land acquisi-

15 tion related thereto), \$7,000,000, to be al-

16 located as follows:

17 Project 00–D–192, nonprolifera-

18 tion and international security center

19 (NISC), Los Alamos National Labora-

20 tory, Los Alamos, New Mexico,

21 \$7,000,000.

22 (B) For arms control, \$320,560,000, to be

23 allocated as follows:

24 (i) For arms control operations,

25 \$285,370,000.

1 (ii) For highly enriched uranium
2 transparency implementation,
3 \$15,190,000.

4 (iii) For international nuclear safety,
5 \$20,000,000.

6 (C) For fissile materials control and dis-
7 position, \$252,449,000, to be allocated as fol-
8 lows:

9 (i) For operation and maintenance,
10 \$175,517,000.

11 (ii) For plant projects (including
12 maintenance, restoration, planning, con-
13 struction, acquisition, modification of fa-
14 cilities, and the continuation of projects
15 authorized in prior years, and land acquisi-
16 tion related thereto), \$76,932,000, to be
17 allocated as follows:

18 Project 01-D-407, highly en-
19 riched uranium blend-down, Savannah
20 River Site, Aiken, South Carolina,
21 \$27,932,000.

22 Project 00-D-142, immobiliza-
23 tion and associated processing facility
24 (Title I and II design), Savannah

1 River Site, Aiken, South Carolina,
2 \$3,000,000.

3 Project 99–D–141, pit dis-
4 assembly and conversion facility (Title
5 I and II design), Savannah River Site,
6 Aiken, South Carolina, \$20,000,000.

7 Project 99–D–143, mixed oxide
8 fuel fabrication facility (Title I and II
9 design), Savannah River Site, Aiken,
10 South Carolina, \$26,000,000.

11 (D) For program direction, \$51,468,000.

12 (3) NAVAL REACTORS.—For naval reactors,
13 \$694,600,000, to be allocated as follows:

14 (A) For naval reactors development,
15 \$673,200,000, to be allocated as follows:

16 (i) For operation and maintenance,
17 \$644,500,000.

18 (ii) For general plant projects,
19 \$11,400,000.

20 (iii) For plant projects (including
21 maintenance, restoration, planning, con-
22 struction, acquisition, modification of fa-
23 cilities, and the continuation of projects
24 authorized in prior years, and land acquisi-

tion related thereto), \$17,300,000, to be allocated as follows:

Project 01–D–200, major office replacement building, Schenectady, New York, \$1,300,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$16,000,000.

(B) For program direction, \$21,400,000.

(4) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, for program direction, \$10,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of \$6,058,009,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year

1 1997 (Public Law 104–201; 110 Stat. 2836; 42
2 U.S.C. 7277n), \$1,082,297,000

3 (2) SITE/PROJECT COMPLETION.—For site com-
4 pletion and project completion in carrying out envi-
5 ronmental management activities necessary for na-
6 tional security programs, \$941,719,000, to be allo-
7 cated as follows:

8 (A) For operation and maintenance,
9 \$900,175,000.

10 (B) For plant projects (including mainte-
11 nance, restoration, planning, construction, ac-
12 quisition, modification of facilities, and the con-
13 tinuation of projects authorized in prior years,
14 and land acquisition related thereto),
15 \$41,544,000, to be allocated as follows:

16 Project 01–D–402, Intec cathodic
17 protection system expansion, Idaho Na-
18 tional Engineering and Environmental
19 Laboratory, Idaho Falls, Idaho, \$500,000.

20 Project 99–D–402, tank farm support
21 services, F&H areas, Savannah River Site,
22 Aiken, South Carolina, \$7,714,000.

23 Project 99–D–404, health physics in-
24 strumentation laboratory, Idaho National

1 Engineering and Environmental Labora-
2 tory, Idaho Falls, Idaho, \$4,300,000.

3 Project 98–D–453, plutonium sta-
4 bilization and handling system for pluto-
5 nium finishing plant, Richland, Wash-
6 ington, \$1,690,000.

7 Project 97–D–470, regulatory moni-
8 toring and bioassay laboratory, Savannah
9 River Site, Aiken, South Carolina,
10 \$3,949,000.

11 Project 96–D–471, chlorofluorocarbon
12 heating, ventilation, and air conditioning
13 and chiller retrofit, Savannah River Site,
14 Aiken, South Carolina, \$12,512,000.

15 Project 92–D–140, F&H canyon ex-
16 haust upgrades, Savannah River Site,
17 Aiken, South Carolina, \$8,879,000.

18 Project 86–D–103, decontamination
19 and waste treatment facility, Lawrence
20 Livermore National Laboratory, Liver-
21 more, California, \$2,000,000.

22 (3) POST-2006 COMPLETION.—For post-2006
23 completion in carrying out environmental restoration
24 and waste management activities necessary for na-

1 tional security programs, \$3,432,457,000, to be allo-
2 cated as follows:

3 (A) For operation and maintenance,
4 \$2,691,106,000.

5 (B) For plant projects (including mainte-
6 nance, restoration, planning, construction, ac-
7 quisition, modification of facilities, and the con-
8 tinuation of projects authorized in prior years,
9 and land acquisition related thereto),
10 \$27,212,000, to be allocated as follows: I26
11 Project 93–D–187, high-level waste removal
12 from filled waste tanks, Savannah River Site,
13 Aiken, South Carolina, \$27,212,000.

14 (C) For the Office of River Protection in
15 carrying out environmental restoration and
16 waste management activities necessary for na-
17 tional security programs, \$714,139,000, to be
18 allocated as follows:

19 (i) For operation and maintenance,
20 \$309,619,000.

21 (ii) For plant projects (including
22 maintenance, restoration, planning, con-
23 struction, acquisition, modification of fa-
24 cilities, and the continuation of projects
25 authorized in prior years, and land acquisi-

tion related thereto), \$404,520,000, to be allocated as follows:

Project 01–D–416, Tank Waste Remediation System privatization phase I, Richland, Washington, \$332,000,000.

Project 01–D–403, immobilized high-level waste interim storage facility, Richland, Washington, \$1,300,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, \$7,812,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, \$46,023,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, \$17,385,000.

(4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, \$246,548,000.

1 (5) PROGRAM DIRECTION.—For program direc-
2 tion in carrying out environmental restoration and
3 waste management activities necessary for national
4 security programs, \$354,988,000.

5 (b) ADJUSTMENT.—The total amount authorized to
6 be appropriated by subsection (a) is the sum of the
7 amounts authorized to be appropriated by paragraphs (1)
8 through (5) of that subsection, reduced by \$84,317,000,
9 to be derived from offsets and use of prior year balances.

10 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

11 (a) IN GENERAL.—Funds are hereby authorized to
12 be appropriated to the Department of Energy for fiscal
13 year 2001 for other defense activities in carrying out pro-
14 grams necessary for national security in the amount of
15 \$543,822,000, to be allocated as follows:

16 (1) INTELLIGENCE.—For intelligence,
17 \$38,059,000, to be allocated as follows:

18 (A) For operation and maintenance,
19 \$36,059,000.

20 (B) For plant projects (including mainte-
21 nance, restoration, planning, construction, ac-
22 quisition, modification of facilities, and the con-
23 tinuation of projects authorized in prior years,
24 and land acquisition related thereto),
25 \$2,000,000, to be allocated as follows:

1 Project 01–D–800, Sensitive compart-
2 mented information facility, Lawrence
3 Livermore National Laboratory, Liver-
4 more, California, \$2,000,000.

5 (2) COUNTERINTELLIGENCE.—For counter-
6 intelligence, \$45,200,000.

7 (3) SECURITY AND EMERGENCY OPERATIONS.—
8 For security and emergency operations,
9 \$284,076,000, to be allocated as follows:

10 (A) For nuclear safeguards and security,
11 \$124,409,000.

12 (B) For security investigations,
13 \$33,000,000.

14 (C) For emergency management,
15 \$37,300,000.

16 (D) For program direction, \$89,367,000.

17 (4) INDEPENDENT OVERSIGHT AND PERFORM-
18 ANCE ASSURANCE.—For independent oversight and
19 performance assurance, \$14,937,000.

20 (5) ENVIRONMENT, SAFETY, AND HEALTH.—
21 For the Office of Environment, Safety, and Health,
22 \$134,050,000, to be allocated as follows:

23 (A) For environment, safety, and health
24 (defense), \$86,446,000.

1 (B) For the Energy Employees Occupa-
2 tional Illness Compensation initiative,
3 \$25,000,000.

4 (C) For program direction, \$22,604,000.

5 (6) WORKER AND COMMUNITY TRANSITION AS-
6 SISTANCE.—For worker and community transition
7 assistance, \$24,500,000, to be allocated as follows:

8 (A) For worker and community transition,
9 \$21,500,000.

10 (B) For program direction, \$3,000,000.

11 (7) OFFICE OF HEARINGS AND APPEALS.—For
12 the Office of Hearings and Appeals, \$3,000,000.

13 (b) ADJUSTMENTS.—The amount authorized to be
14 appropriated pursuant to subsection (a)(3)(B) is reduced
15 by \$20,000,000 to reflect an offset provided by user orga-
16 nizations for security investigations.

17 **SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**
18 **VATIZATION.**

19 (a) IN GENERAL.—Funds are hereby authorized to
20 be appropriated to the Department of Energy for fiscal
21 year 2001 for privatization initiatives in carrying out envi-
22 ronmental restoration and waste management activities
23 necessary for national security programs in the amount
24 of \$90,092,000, to be allocated as follows:

1 Project 98–PVT–2, spent nuclear fuel dry stor-
2 age, Idaho Falls, Idaho, \$25,092,000.

3 Project 97–PVT–2, advanced mixed waste
4 treatment project Idaho Falls, Idaho, \$65,000,000.

5 (b) EXPLANATION OF ADJUSTMENT.—The amount
6 authorized to be appropriated pursuant to subsection (a)
7 is the sum of the amounts authorized to be appropriated
8 for the projects in that subsection reduced by \$90,092,000
9 for use of prior year balances of funds for defense environ-
10 mental management privatization.

11 **SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.**

12 Funds are hereby authorized to be appropriated to
13 the Department of Energy for fiscal year 2001 for pay-
14 ment to the Nuclear Waste Fund established in section
15 302(c) of the Nuclear Waste Policy Act of 1982 (42
16 U.S.C. 10222(c)) in the amount of \$112,000,000.

17 **Subtitle B—Recurring General**
18 **Provisions**

19 **SEC. 3121. REPROGRAMMING.**

20 (a) IN GENERAL.—Until the Secretary of Energy
21 submits to the congressional defense committees the re-
22 port referred to in subsection (b) and a period of 30 days
23 has elapsed after the date on which such committees re-
24 ceive the report, the Secretary may not use amounts ap-
25 propriated pursuant to this title for any program—

1 (1) in amounts that exceed, in a fiscal year—

2 (A) 110 percent of the amount authorized

3 for that program by this title; or

4 (B) \$ 1,000,000 more than the amount au-

5 thorized for that program by this title; or

6 (2) which has not been presented to, or re-

7 quested of, Congress.

8 (b) REPORT.—(1) The report referred to in sub-

9 section (a) is a report containing a full and complete state-

10 ment of the action proposed to be taken and the facts and

11 circumstances relied upon in support of the proposed ac-

12 tion.

13 (2) In the computation of the 30-day period under

14 subsection (a), there shall be excluded any day on which

15 either House of Congress is not in session because of an

16 adjournment of more than 3 days to a day certain.

17 (c) LIMITATIONS.—(1) In no event may the total

18 amount of funds obligated pursuant to this title exceed

19 the total amount authorized to be appropriated by this

20 title.

21 (2) Funds appropriated pursuant to this title may not

22 be used for an item for which Congress has specifically

23 denied funds.

1 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

2 (a) IN GENERAL.—The Secretary of Energy may
3 carry out any construction project under the general plant
4 projects authorized by this title if the total estimated cost
5 of the construction project does not exceed \$5,000,000.

6 (b) REPORT TO CONGRESS.—If, at any time during
7 the construction of any general plant project authorized
8 by this title, the estimated cost of the project is revised
9 because of unforeseen cost variations and the revised cost
10 of the project exceeds \$5,000,000, the Secretary shall im-
11 mediately furnish a report to the congressional defense
12 committees explaining the reasons for the cost variation.

13 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

14 (a) IN GENERAL.—(1) Except as provided in para-
15 graph (2), construction on a construction project may not
16 be started or additional obligations incurred in connection
17 with the project above the total estimated cost, whenever
18 the current estimated cost of the construction project, au-
19 thorized by 3101, 3102, or 3103, or which is in support
20 of national security programs of the Department of En-
21 ergy and was authorized by any previous Act, exceeds by
22 more than 25 percent the higher of—

23 (A) the amount authorized for the project; or

24 (B) the amount of the total estimated cost for
25 the project as shown in the most recent budget jus-
26 tification data submitted to Congress.

1 (2) An action described in paragraph (1) may be
2 taken if—

3 (A) the Secretary of Energy has submitted to
4 the congressional defense committees a report on the
5 actions and the circumstances making such action
6 necessary; and

7 (B) a period of 30 days has elapsed after the
8 date on which the report is received by the commit-
9 tees.

10 (3) In the computation of the 30-day period under
11 paragraph (2), there shall be excluded any day on which
12 either House of Congress is not in session because of an
13 adjournment of more than 3 days to a day certain.

14 (b) EXCEPTION.—Subsection (a) does not apply to a
15 construction project with a current estimated cost of less
16 than \$5,000,000.

17 **SEC. 3124. FUND TRANSFER AUTHORITY.**

18 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
19 The Secretary of Energy may transfer funds authorized
20 to be appropriated to the Department of Energy pursuant
21 to this title to other Federal agencies for the performance
22 of work for which the funds were authorized. Funds so
23 transferred may be merged with and be available for the
24 same purposes and for the same time period as the author-

1 izations of the Federal agency to which the amounts are
2 transferred.

3 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—

4 (1) Subject to paragraph (2), the Secretary of Energy may
5 transfer funds authorized to be appropriated to the De-
6 partment of Energy pursuant to this title between any
7 such authorizations. Amounts of authorizations so trans-
8 ferred may be merged with and be available for the same
9 purposes and for the same period as the authorization to
10 which the amounts are transferred.

11 (2) Not more than 5 percent of any such authoriza-
12 tion may be transferred between authorizations under
13 paragraph (1). No such authorization may be increased
14 or decreased by more than 5 percent by a transfer under
15 such paragraph.

16 (c) LIMITATIONS.—The authority provided by this
17 section to transfer authorizations—

18 (1) may be used only to provide funds for items
19 relating to activities necessary for national security
20 programs that have a higher priority than the items
21 from which the funds are transferred; and

22 (2) may not be used to provide funds for an
23 item for which Congress has specifically denied
24 funds.

1 (d) NOTICE TO CONGRESS.—The Secretary of En-
2 ergy shall promptly notify the Committees on Armed Serv-
3 ices of the Senate and House of Representatives of any
4 transfer of funds to or from authorizations under this
5 title.

6 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
7 **TION DESIGN.**

8 (a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1)
9 Subject to paragraph (2) and except as provided in para-
10 graph (3), before submitting to Congress a request for
11 funds for a construction project that is in support of a
12 national security program of the Department of Energy,
13 the Secretary of Energy shall complete a conceptual de-
14 sign for that project.

15 (2) If the estimated cost of completing a conceptual
16 design for a construction project exceeds \$3,000,000, the
17 Secretary shall submit to Congress a request for funds for
18 the conceptual design before submitting a request for
19 funds for the construction project.

20 (3) The requirement in paragraph (1) does not apply
21 to a request for funds—

22 (A) for a construction project the total esti-
23 mated cost of which is less than \$5,000,000; or

24 (B) for emergency planning, design, and con-
25 struction activities under section 3126.

1 (b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1)

2 Within the amounts authorized by this title, the Secretary
3 of Energy may carry out construction design (including
4 architectural and engineering services) in connection with
5 any proposed construction project if the total estimated
6 cost for such design does not exceed \$600,000.

7 (2) If the total estimated cost for construction design
8 in connection with any construction project exceeds
9 \$600,000, funds for that design must be specifically au-
10 thorized by law.

11 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
12 **SIGN, AND CONSTRUCTION ACTIVITIES.**

13 (a) AUTHORITY.—The Secretary of Energy may use
14 any funds available to the Department of Energy pursuant
15 to an authorization in this title, including funds authorized
16 to be appropriated for advance planning and construction
17 design under sections 3101, 3102, and 3103, to perform
18 planning, design, and construction activities for any De-
19 partment of Energy national security program construc-
20 tion project that, as determined by the Secretary, must
21 proceed expeditiously in order to protect public health and
22 safety, to meet the needs of national defense, or to protect
23 property.

24 (b) LIMITATION.—The Secretary may not exercise
25 the authority under subsection (a) in the case of any con-

1 struction project until the Secretary has submitted to the
2 congressional defense committees a report on the activities
3 that the Secretary intends to carry out under this section
4 and the circumstances making those activities necessary.

5 (c) SPECIFIC AUTHORITY.—The requirement of sec-
6 tion 3125(b)(2) does not apply to emergency planning, de-
7 sign, and construction activities conducted under this sec-
8 tion.

9 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
10 **RITY PROGRAMS OF THE DEPARTMENT OF**
11 **ENERGY.**

12 Subject to the provisions of appropriation Acts and
13 section 3121, amounts appropriated pursuant to this title
14 for management and support activities and for general
15 plant projects are available for use, when necessary, in
16 connection with all national security programs of the De-
17 partment of Energy.

18 **SEC. 3128. AVAILABILITY OF FUNDS.**

19 (a) IN GENERAL.—Except as provided in subsection
20 (b), when so specified in an appropriations Act, amounts
21 appropriated for operation and maintenance or for plant
22 projects may remain available until expended.

23 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—
24 Amounts appropriated for program direction pursuant to
25 an authorization of appropriations in subtitle A shall re-

1 main available to be expended only until the end of fiscal
2 year 2002.

3 **SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL**
4 **MANAGEMENT FUNDS.**

5 (a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-
6 MENTAL MANAGEMENT FUNDS.—The Secretary of En-
7 ergy shall provide the manager of each field office of the
8 Department of Energy with the authority to transfer de-
9 fense environmental management funds from a program
10 or project under the jurisdiction of the office to another
11 such program or project.

12 (b) LIMITATIONS.—(1) Only one transfer may be
13 made to or from any program or project under subsection
14 (a) in a fiscal year.

15 (2) The amount transferred to or from a program
16 or project under subsection (a) may not exceed \$5,000,000
17 in a fiscal year.

18 (3) A transfer may not be carried out by a manager
19 of a field office under subsection (a) unless the manager
20 determines that the transfer is necessary to address a risk
21 to health, safety, or the environment or to assure the most
22 efficient use of defense environmental management funds
23 at the field office.

24 (4) Funds transferred pursuant to subsection (a)
25 may not be used for an item for which Congress has spe-

1 cifically denied funds or for a new program or project that
2 has not been authorized by Congress.

3 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-
4 MENTS.—The requirements of section 3121 shall not
5 apply to transfers of funds pursuant to subsection (a).

6 (d) NOTIFICATION.—The Secretary, acting through
7 the Assistant Secretary of Energy for Environmental
8 Management, shall notify Congress of any transfer of
9 funds pursuant to subsection (a) not later than 30 days
10 after such transfer occurs.

11 (e) DEFINITIONS.—In this section:

12 (1) The term “program or project” means, with
13 respect to a field office of the Department of En-
14 ergy, any of the following:

15 (A) A program referred to or a project list-
16 ed in paragraph (2) or (3) of section 3102.

17 (B) A program or project not described in
18 subparagraph (A) that is for environmental res-
19 toration or waste management activities nec-
20 essary for national security programs of the De-
21 partment, that is being carried out by the of-
22 fice, and for which defense environmental man-
23 agement funds have been authorized and appro-
24 priated before the date of the enactment of this
25 Act.

1 (2) The term “defense environmental manage-
2 ment funds” means funds appropriated to the De-
3 partment of Energy pursuant to an authorization for
4 carrying out environmental restoration and waste
5 management activities necessary for national secu-
6 rity programs.

7 (f) DURATION OF AUTHORITY.—The managers of the
8 field offices of the Department may exercise the authority
9 provided under subsection (a) during the period beginning
10 on October 1, 2000, and ending on September 30, 2001.

11 **Subtitle C—Program Authoriza-**
12 **tions, Restrictions, and Limita-**
13 **tions**

14 **SEC. 3131. FUNDING FOR TERMINATION COSTS OF RIVER**
15 **PROTECTION PROJECT, RICHLAND, WASH-**
16 **INGTON.**

17 The Secretary of Energy may not use appropriated
18 funds to establish a reserve for the payment of any costs
19 of termination of any contract relating to the River Pro-
20 tection Project, Richland, Washington (as designated by
21 section 3141), that is terminated after the date of the en-
22 actment of this Act. Such costs may be paid from—

23 (1) appropriations originally available for the
24 performance of the contract concerned;

1 (2) appropriations currently available for pri-
2 vatization initiatives in carrying out environmental
3 restoration and waste management activities nec-
4 essary for national security programs, and not other-
5 wise obligated; or

6 (3) funds appropriated specifically for the pay-
7 ment of such costs.

8 **SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL**
9 **NUCLEAR SECURITY ADMINISTRATION AND**
10 **BALLISTIC MISSILE DEFENSE ORGANIZA-**
11 **TION.**

12 (a) JOINTLY FUNDED PROJECTS.—The Secretary of
13 Energy and the Secretary of Defense shall modify the
14 memorandum of understanding for the use of the national
15 laboratories for ballistic missile defense programs, entered
16 into under section 3131 of the National Defense Author-
17 ization Act for Fiscal Year 1998 (Public Law 105–85; 111
18 Stat. 2034; 10 U.S.C. 2431 note), to provide for jointly
19 funded projects.

20 (b) REQUIREMENTS FOR PROJECTS.—The projects
21 referred to in subsection (a) shall—

22 (1) be carried out by the National Nuclear Se-
23 curity Administration and the Ballistic Missile De-
24 fense Organization; and

25 (2) contribute to sustaining—

1 (A) the expertise necessary for the viability
2 of such laboratories; and

3 (B) the capabilities required to sustain the
4 nuclear stockpile.

5 (c) PARTICIPATION BY NNSA IN CERTAIN BMDO
6 ACTIVITIES.—The Administrator for Nuclear Security
7 and the Director of the Ballistic Missile Defense Organiza-
8 tion shall implement mechanisms that increase the cooper-
9 ative relationship between those organizations. Those
10 mechanisms may include participation by personnel of the
11 National Nuclear Security Administration in the following
12 activities of the Ballistic Missile Defense Organization:

13 (1) Peer reviews of technical efforts.

14 (2) Activities of so-called “red teams”.

15 **SEC. 3133. REPROGRAMMING OF FUNDS AVAILABLE FOR**
16 **INFRASTRUCTURE UPGRADES OR MAINTENANCE IN CERTAIN ACCOUNTS OF THE NA-**
17 **TIONAL NUCLEAR SECURITY ADMINISTRA-**
18 **TION.**
19

20 (a) LIMITATION.—(1) Except as provided in para-
21 graph (2), the Secretary of Energy may not use amounts
22 appropriated or otherwise made available to the Secretary
23 for fiscal year 2001 for the purpose of infrastructure up-
24 grades or maintenance in an account specified in sub-
25 section (b) for any other purpose.

1 (2) Paragraph (1) does not apply to a particular
2 amount for the purpose of a particular infrastructure up-
3 grade or maintenance project if the Secretary—

4 (A) determines that that project is not needed
5 by reason of a change to, or cancellation of, a pro-
6 gram for which that project was intended to be used;
7 and

8 (B) submits to the congressional defense com-
9 mittees the report referred to in subsection (c) and
10 a period of 45 days elapses after the date on which
11 such committees receive such report.

12 (b) COVERED ACCOUNTS.—An account referred to in
13 subsection (a) is any Construction account or Readiness
14 in Technical Base and Facilities account within any Na-
15 tional Nuclear Security Administration budget account.

16 (c) REPORT.—(1) The report referred to in sub-
17 section (a)(2)(B) is a report containing a full and complete
18 statement of—

19 (A) the determination of the Secretary under
20 subsection (a)(2)(A); and

21 (B) the action proposed to be taken with the
22 particular amount concerned and the facts and cir-
23 cumstances relied upon in support of such proposed
24 action.

1 (2) In the computation of the 45-day period under
2 subsection (a)(2)(B), there shall be excluded any day on
3 which either House of Congress is not in session because
4 of an adjournment of more than three days to a day cer-
5 tain.

6 (d) COORDINATION WITH GENERAL REPROGRAM-
7 MING REPORT.—If the Secretary, in accordance with this
8 section, submits a report referred to in subsection (c) for
9 the use of a particular amount, that report shall be treat-
10 ed, for purposes of section 3121, as the report referred
11 to in subsection (b) of that section for that use of that
12 amount.

13 **SEC. 3134. ADJUSTMENT OF COMPOSITE THEORETICAL**
14 **PERFORMANCE LEVELS FOR POST-SHIPMENT**
15 **VERIFICATION REPORTS ON ADVANCED**
16 **SUPERCOMPUTER SALES TO CERTAIN FOR-**
17 **EIGN NATIONS.**

18 Section 3157 of the National Defense Authorization
19 Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is
20 amended by adding at the end the following new sub-
21 section:

22 “(e) ADJUSTMENT OF PERFORMANCE LEVELS.—
23 Whenever a new composite theoretical performance level
24 is established under section 1211(d), that level shall apply

1 for the purposes of subsection (a) of this section in lieu
2 of the level set forth in subsection (a).”.

3 **SEC. 3135. MODIFICATION OF COUNTERINTELLIGENCE**
4 **POLYGRAPH PROGRAM.**

5 (a) COVERED PERSONS.—Subsection (b) of section
6 3154 of the Department of Energy Facilities Safeguards,
7 Security, and Counterintelligence Enhancement Act of
8 1999 (subtitle D of title XXXI of Public Law 106–65;
9 113 Stat. 941; 42 U.S.C. 7383h) is amended to read as
10 follows:

11 “(b) COVERED PERSONS.—(1) Subject to paragraph
12 (2), for purposes of this section, a covered person is one
13 of the following:

14 “(A) An officer or employee of the Department.

15 “(B) An expert or consultant under contract to
16 the Department.

17 “(C) An officer or employee of a contractor of
18 the Department.

19 “(D) An individual assigned or detailed to the
20 Department.

21 “(E) An applicant for a position in the Depart-
22 ment.

23 “(2) A person described in paragraph (1) is a covered
24 person for purposes of this section only if the position of
25 the person, or for which the person is applying, under that

1 paragraph is a position in one of the categories of posi-
2 tions listed in section 709.4(a) of title 10, Code of Federal
3 Regulations.”.

4 (b) HIGH-RISK PROGRAMS.—Subsection (c) of that
5 section is amended to read as follows:

6 “(c) HIGH-RISK PROGRAMS.—For purposes of this
7 section, high-risk programs are the following:

8 “(1) Programs using information known as
9 Sensitive Compartmented Information.

10 “(2) The programs known as Special Access
11 Programs and Personnel Security and Assurance
12 Programs.

13 “(3) Any other program or position category
14 specified in section 709.4(a) of title 10, Code of
15 Federal Regulations.”.

16 (c) AUTHORITY TO WAIVE EXAMINATION REQUIRE-
17 MENT.—Subsection (d) of that section is amended—

18 (1) by inserting “(1)” before “The Secretary”;
19 and

20 (2) by adding at the end the following new
21 paragraphs:

22 “(2) Subject to paragraph (3), the Secretary may,
23 after consultation with appropriate security personnel,
24 waive the applicability of paragraph (1) to a covered
25 person—

1 “(A) if—

2 “(i) the Secretary determines that the
3 waiver is important to the national security in-
4 terests of the United States;

5 “(ii) the covered person has an active secu-
6 rity clearance; and

7 “(iii) the covered person acknowledges in a
8 signed writing that the capacity of the covered
9 person to perform duties under a high-risk pro-
10 gram after the expiration of the waiver is condi-
11 tional upon meeting the requirements of para-
12 graph (1) within the effective period of the
13 waiver;

14 “(B) if another Federal agency certifies to the
15 Secretary that the covered person has completed
16 successfully a full-scope or counterintelligence-scope
17 polygraph examination during the 5-year period end-
18 ing on the date of the certification; or

19 “(C) if the Secretary determines, after consulta-
20 tion with the covered person and appropriate med-
21 ical personnel, that the treatment of a medical or
22 psychological condition of the covered person should
23 preclude the administration of the examination.

24 “(3)(A) The Secretary may not commence the exer-
25 cise of the authority under paragraph (2) to waive the ap-

1 plicability of paragraph (1) to any covered persons until
2 15 days after the date on which the Secretary submits
3 to the appropriate committees of Congress a report setting
4 forth the criteria to be used by the Secretary for deter-
5 mining when a waiver under paragraph (2)(A) is impor-
6 tant to the national security interests of the United States.
7 The criteria shall not include the need to maintain the
8 scientific vitality of the laboratory. The criteria shall in-
9 clude an assessment of counterintelligence risks and pro-
10 grammatic impacts.

11 “(B) Any waiver under paragraph (2)(A) shall be ef-
12 fective for not more than 120 days, and a person who is
13 subject to a waiver under paragraph (2)(A) may not ever
14 be subject to another waiver under paragraph (2)(A).

15 “(C) Any waiver under paragraph (2)(C) shall be ef-
16 fective for the duration of the treatment on which such
17 waiver is based.

18 “(4) The Secretary shall submit to the appropriate
19 committees of Congress on a semi-annual basis a report
20 on any determinations made under paragraph (2)(A) dur-
21 ing the 6-month period ending on the date of such report.
22 The report shall include a national security justification
23 for each waiver resulting from such determinations.

24 “(5) In this subsection, the term ‘appropriate com-
25 mittees of Congress’ means the following:

1 “(A) The Committee on Armed Services and
2 the Select Committee on Intelligence of the Senate.

3 “(B) The Committee on Armed Services and
4 the Permanent Select Committee on Intelligence of
5 the House of Representatives.

6 “(6) It is the sense of Congress that the waiver au-
7 thority in paragraph (2) not be used by the Secretary to
8 exempt from the applicability of paragraph (1) any cov-
9 ered persons in the highest risk categories, such as per-
10 sons who have access to the most sensitive weapons design
11 information and other highly sensitive programs, including
12 special access programs.

13 “(7) The authority under paragraph (2) to waive the
14 applicability of paragraph (1) to a covered person shall
15 expire on September 30, 2002.”.

16 (d) SCOPE OF COUNTERINTELLIGENCE POLYGRAPH
17 EXAMINATION.—Subsection (f) of that section is
18 amended—

19 (1) by inserting “terrorism,” after “sabotage,”;
20 and

21 (2) by inserting “deliberate damage to or mali-
22 cious misuse of a United States Government infor-
23 mation or defense system,” before “and”.

1 **SEC. 3136. EMPLOYEE INCENTIVES FOR EMPLOYEES AT**
2 **CLOSURE PROJECT FACILITIES.**

3 (a) **AUTHORITY TO PROVIDE INCENTIVES.**—Notwith-
4 standing any other provision of law, the Secretary of En-
5 ergy may provide to any eligible employee of the Depart-
6 ment of Energy one or more of the incentives described
7 in subsection (d).

8 (b) **ELIGIBLE EMPLOYEES.**—An individual is an eli-
9 gible employee of the Department of Energy for purposes
10 of this section if the individual—

11 (1) has worked continuously at a closure facility
12 for at least two years;

13 (2) is an employee (as that term is defined in
14 section 2105(a) of title 5, United States Code);

15 (3) has a fully satisfactory or equivalent per-
16 formance rating during the most recent performance
17 period and is not subject to an adverse notice re-
18 garding conduct; and

19 (4) meets any other requirement or condition
20 under subsection (d) for the incentive which is pro-
21 vided the employee under this section.

22 (c) **CLOSURE FACILITY DEFINED.**—For purposes of
23 this section, the term “closure facility” means a Depart-
24 ment of Energy facility at which the Secretary is carrying
25 out a closure project selected under section 3143 of the

1 National Defense Authorization Act for Fiscal Year 1997
2 (42 U.S.C. 7274n).

3 (d) INCENTIVES.—The incentives that the Secretary
4 may provide under this section are the following:

5 (1) The right to accumulate annual leave pro-
6 vided by section 6303 of title 5, United States Code,
7 for use in succeeding years until it totals not more
8 than 90 days, or not more than 720 hours based on
9 a standard work week, at the beginning of the first
10 full biweekly pay period, or corresponding period for
11 an employee who is not paid on the basis of biweekly
12 pay periods, occurring in a year, except that—

13 (A) any annual leave that remains unused
14 when an employee transfers to a position in a
15 department or agency of the Federal Govern-
16 ment shall be liquidated upon the transfer by
17 payment to the employee of a lump sum for
18 leave in excess of 30 days, or in excess of 240
19 hours based on a standard work week; and

20 (B) upon separation from service, annual
21 leave accumulated under this paragraph shall
22 be treated as any other accumulated annual
23 leave is treated.

24 (2) The right to be paid a retention allowance
25 in a lump sum in compliance with paragraphs (1)

1 and (2) of section 5754(b) of title 5, United States
2 Code, if the employee meets the requirements of sec-
3 tion 5754(a) of that title, except that the retention
4 allowance may exceed 25 percent, but may not be
5 more than 30 percent, of the employee's rate of
6 basic pay.

7 (e) AGREEMENT.—An eligible employee of the De-
8 partment of Energy provided an incentive under this sec-
9 tion shall enter into an agreement with the Secretary to
10 remain employed at the closure facility at which the em-
11 ployee is employed as of the date of the agreement until
12 a specific date or for a specific period of time.

13 (f) VIOLATION OF AGREEMENT.—(1) Except as pro-
14 vided under paragraph (3), an eligible employee of the De-
15 partment of Energy who violates an agreement under sub-
16 section (e), or is dismissed for cause, shall forfeit eligibility
17 for any incentives under this section as of the date of the
18 violation or dismissal, as the case may be.

19 (2) Except as provided under paragraph (3), an eligi-
20 ble employee of the Department of Energy who is paid
21 a retention allowance under subsection (d)(2) and who vio-
22 lates an agreement under subsection (e), or is dismissed
23 for cause, before the end of the period or date of employ-
24 ment agreed upon under such agreement shall refund to
25 the United States an amount that bears the same ratio

1 to the aggregate amount so paid to or received by the em-
2 ployee as the unserved part of such employment bears to
3 the total period of employment agreed upon under such
4 agreement.

5 (3) The Secretary may waive the applicability of
6 paragraph (1) or (2) to an employee otherwise covered by
7 such paragraph if the Secretary determines that there is
8 good and sufficient reason for the waiver.

9 (g) REPORT.—The Secretary shall include in each re-
10 port on a closure project under section 3143(h) of the Na-
11 tional Defense Authorization Act for Fiscal Year 1997 a
12 report on the incentives, if any, provided under this section
13 with respect to the project for the period covered by such
14 report.

15 (h) AUTHORITY WITH RESPECT TO HEALTH COV-
16 ERAGE.—Section 8905a(d)(5)(A) of title 5, United States
17 Code (as added by section 1106 of the Veterans Millen-
18 nium Health Care and Benefits Act (Public Law 106–117;
19 113 Stat. 1598)), is amended by inserting after “readjust-
20 ment” the following: “, or a voluntary or involuntary sepa-
21 ration from a Department of Energy position at a Depart-
22 ment of Energy facility at which the Secretary is carrying
23 out a closure project selected under section 3143 of the
24 National Defense Authorization Act for Fiscal Year 1997
25 (42 U.S.C. 7274n)”.

1 (i) AUTHORITY WITH RESPECT TO VOLUNTARY SEP-
2 ARATIONS.—(1) The Secretary may—

3 (A) separate from service any employee at a
4 Department of Energy facility at which the Sec-
5 retary is carrying out a closure project selected
6 under section 3143 of the National Defense Author-
7 ization Act for Fiscal Year 1997 (42 U.S.C. 7274n)
8 who volunteers to be separated under this subpara-
9 graph even though the employee is not otherwise
10 subject to separation due to a reduction in force;
11 and

12 (B) for each employee voluntarily separated
13 under subparagraph (A), retain an employee in a
14 similar position who would otherwise be separated
15 due to a reduction in force.

16 (2) The separation of an employee under paragraph
17 (1)(A) shall be treated as an involuntary separation due
18 to a reduction in force.

19 (3) An employee with critical knowledge and skills (as
20 defined by the Secretary) may not participate in a vol-
21 untary separation under paragraph (1)(A) if the Secretary
22 determines that such participation would impair the per-
23 formance of the mission of the Department of Energy.

24 (j) TERMINATION.—The authority to provide incen-
25 tives under this section terminates on March 31, 2007.

1 **SEC. 3137. CONTINUATION OF PROCESSING, TREATMENT,**
2 **AND DISPOSITION OF LEGACY NUCLEAR MA-**
3 **TERIALS.**

4 (a) CONTINUATION.—The Secretary of Energy shall
5 continue operations and maintain a high state of readiness
6 at the F-canyon and H-canyon facilities at the Savannah
7 River Site, Aiken, South Carolina, and shall provide tech-
8 nical staff necessary to operate and so maintain such fa-
9 cilities.

10 (b) LIMITATION ON USE OF FUNDS FOR DECOMMISS-
11 IONING OF F-CANYON FACILITY.—No amounts author-
12 ized to be appropriated or otherwise made available for
13 the Department of Energy by this or any other Act may
14 be obligated or expended for purposes of commencing the
15 decommissioning of the F-canyon facility at the Savannah
16 River Site until the Secretary and the Defense Nuclear
17 Facilities Safety Board jointly submit to the Committee
18 on Armed Services of the Senate and the Committee on
19 Armed Services of the House of Representatives the fol-
20 lowing:

21 (1) A certification that all materials present in
22 the F-canyon facility as of the date of the certifi-
23 cation are safely stabilized.

24 (2) A certification whether or not the require-
25 ments applicable to the F-canyon facility to meet
26 the future needs of the United States for fissile ma-

1 terials disposition can be met through full use of the
2 H-canyon facility at the Savannah River Site.

3 (3) If the certification required by paragraph
4 (2) is that such requirements cannot be met through
5 such use of the H-canyon facility—

6 (A) an identification by the Secretary of
7 each such requirement that cannot be met
8 through such use of the H-canyon facility; and

9 (B) for each requirement identified in sub-
10 paragraph (A), the reasons why that require-
11 ment cannot be met through such use of the
12 H-canyon facility and a description of the alter-
13 native capability for fissile materials disposition
14 that is needed to meet that requirement.

15 (c) PLAN FOR TRANSFER OF LONG-TERM CHEMICAL
16 SEPARATION ACTIVITIES.—Not later than February 15,
17 2001, the Secretary shall submit to the Committee on
18 Armed Services of the Senate and the Committee on
19 Armed Services of the House of Representatives a plan
20 for the transfer of all long-term chemical separation activi-
21 ties at the Savannah River Site from the F-canyon facility
22 to the H-canyon facility commencing in fiscal year 2002.

1 **SEC. 3138. CONTINGENT LIMITATION ON USE OF CERTAIN**
2 **FUNDS PENDING CERTIFICATIONS OF COM-**
3 **PLIANCE WITH FORMERLY UTILIZED SITES**
4 **REMEDIAL ACTION PROGRAM FUNDING PRO-**
5 **HIBITION.**

6 (a) CONTINGENT LIMITATION ON AVAILABILITY OF
7 FUNDS FOR CERTAIN TRAVEL EXPENSES.—Effective No-
8 vember 1, 2001, but subject to subsection (b), no funds
9 authorized to be appropriated or otherwise made available
10 by this or any other Act for the Department of Energy
11 or the Department of the Army may be obligated or ex-
12 pended for travel by—

13 (1) the Secretary of Energy or any officer or
14 employee of the Office of the Secretary of Energy;
15 or

16 (2) the Chief of Engineers.

17 (b) EFFECTIVE DATE.—The limitation in subsection
18 (a) shall not take effect if before November 1, 2001, both
19 of the following certifications are submitted to the con-
20 gressional defense committees:

21 (1) A certification by the Secretary of Energy
22 that the Department of Energy is in compliance
23 with the requirements of section 3131 of the Na-
24 tional Defense Authorization Act for Fiscal Year
25 2000 (Public Law 106–65; 113 Stat. 925; 10 U.S.C.
26 2701 note).

1 (2) A certification by the Chief of Engineers
2 that the Corps of Engineers is in compliance with
3 the requirements of that section.

4 (c) TERMINATION.—If the limitation in subsection
5 (a) takes effect, the limitation shall cease to be in effect
6 when both certifications referred to in subsection (b) have
7 been submitted to the congressional defense committees.

8 **SEC. 3139. CONCEPTUAL DESIGN FOR SUBSURFACE GEO-**
9 **SCIENCES LABORATORY AT IDAHO NATIONAL**
10 **ENGINEERING AND ENVIRONMENTAL LAB-**
11 **ORATORY, IDAHO FALLS, IDAHO.**

12 (a) AUTHORIZATION.—Of the amounts authorized to
13 be appropriated by paragraphs (2) and (3) of section
14 3102(a), not more than \$400,000 may be available to the
15 Secretary of Energy for purposes of carrying out a concep-
16 tual design for a Subsurface Geosciences Laboratory at
17 Idaho National Engineering and Environmental Labora-
18 tory, Idaho Falls, Idaho.

19 (b) LIMITATION.—None of the funds authorized to
20 be appropriated by subsection (a) may be obligated until
21 60 days after the date on which the Secretary submits
22 the report required by subsection (c).

23 (c) REPORT.—The Secretary of Energy shall submit
24 to the congressional defense committees a report on the

1 proposed Subsurface Geosciences Laboratory. The report
2 shall include the following:

3 (1) Whether there is a need to conduct
4 mesoscale experiments to meet long-term clean-up
5 requirements at Department of Energy sites.

6 (2) The possibility of using or modifying an ex-
7 isting structure or facility to house a new capability
8 for conducting mesoscale experiments.

9 (3) The estimated construction cost of the facil-
10 ity.

11 (4) The estimated annual operating cost of the
12 facility.

13 (5) How the facility will use, integrate, and
14 support the technical expertise, capabilities, and re-
15 quirements at other Department of Energy and non-
16 Department of Energy facilities.

17 (6) An analysis of costs, savings, and benefits
18 which are unique to the Idaho National Engineering
19 and Environmental Laboratory.

20 **SEC. 3140. REPORT ON NATIONAL IGNITION FACILITY, LAW-**
21 **RENCE LIVERMORE NATIONAL LABORATORY,**
22 **LIVERMORE, CALIFORNIA.**

23 (a) NEW BASELINE.—(1) Not more than 50 percent
24 of the funds available for the national ignition facility
25 (Project 96–D–111) may be obligated or expended until

1 the Administrator for Nuclear Security submits to the
2 Committees on Armed Services of the Senate and House
3 of Representatives a report setting forth a new baseline
4 plan for the completion of the national ignition facility.

5 (2) The report shall include—

6 (A) the funding required for completion of the
7 facility, set forth in detail, year by year; and

8 (B) projected dates for the completion of pro-
9 gram milestones, including the date on which the
10 first laser beams are expected to become operational.

11 (b) COMPTROLLER GENERAL REVIEW OF NIF PRO-
12 GRAM.—(1) The Comptroller General shall conduct a thor-
13 ough review of the national ignition facility program.

14 (2) Not later than March 31, 2001, the Comptroller
15 General shall submit to the Committees on Armed Serv-
16 ices of the Senate and House of Representatives a report
17 on the review conducted under paragraph (1). The report
18 shall include the following:

19 (A) An analysis of—

20 (i) the role of the national ignition facility
21 in ensuring the safety and reliability of the nu-
22 clear stockpile of the United States;

23 (ii) the relationship of the national ignition
24 facility program to other significant programs

1 to sustain the nuclear stockpile of the United
2 States; and

3 (iii) the potential effect of delays in the na-
4 tional ignition facility program, and of a failure
5 to complete significant program objectives of
6 the program, on the other significant programs
7 to sustain the nuclear stockpile of the United
8 States, such as the Accelerated Strategic Com-
9 puting Initiative Program.

10 (B) A detailed description and analysis of the
11 funds spent as of the date of the report on the na-
12 tional ignition facility program.

13 (C) An assessment whether the new baseline
14 plan for the national ignition facility program sub-
15 mitted under subsection (a) includes clear goals for
16 that program, adequate and sustainable funding,
17 and achievable milestones for that program.

18 **SEC. 3141. RIVER PROTECTION PROJECT, RICHLAND,**
19 **WASHINGTON.**

20 (a) REDESIGNATION OF PROJECT.—The tank waste
21 remediation system environmental project, Richland,
22 Washington, including all programs relating to the re-
23 trieval and treatment of tank waste at the site at Hanford,
24 Washington, under the management of the Office of River
25 Protection, shall be known and designated as the “River

1 Protection Project”. Any reference to that project in any
2 law, regulation, map, document, record, or other paper of
3 the United States shall be considered to be a reference
4 to the River Protection Project.

5 (b) MANAGEMENT AND RESPONSIBILITY OF OFFICE
6 OF RIVER PROTECTION.—Subsection (b) of section 3139
7 of the Strom Thurmond National Defense Authorization
8 Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat.
9 2250) is amended—

10 (1) in paragraph (2), by striking “managing all
11 aspects of the” and all that follows through the pe-
12 riod and inserting “managing, consistent with the
13 policy direction established by the Department, all
14 aspects of the River Protection Project, Richland,
15 Washington.”; and

16 (2) by adding at the end the following new
17 paragraph:

18 “(3)(A) The Assistant Secretary of Energy for Envi-
19 ronmental Management shall delegate in writing responsi-
20 bility for the management of the River Protection Project,
21 Richland, Washington, to the head of the Office.

22 “(B) Such delegation shall include, at a minimum,
23 authorities for contracting, financial management, safety,
24 and general program management that are equivalent to

1 the authorities of managers of other operations offices of
2 the Department of Energy.

3 “(C) The head of the Office shall, to the maximum
4 extent possible, coordinate all activities of the Office with
5 the manager of the Richland Operations Office of the De-
6 partment of Energy.”.

7 (c) DEPARTMENT RESPONSIBILITIES.—Subsection
8 (c) of such section is amended—

9 (1) by striking “manager” and inserting
10 “head”; and

11 (2) by striking “to manage” and all that follows
12 through the period and inserting “to carry out the
13 responsibilities specified in subsection (b)(2).”.

14 (d) REPORTING TO CONGRESS.—Subsection (d) of
15 such section is amended to read as follows:

16 “(d) REPORT.—The Assistant Secretary of Energy
17 for Environmental Management shall submit to the Com-
18 mittee on Armed Services of the Senate and the Com-
19 mittee on Armed Services of the House of Representatives,
20 not later than 30 days after the date of the enactment
21 of the Floyd D. Spence National Defense Authorization
22 Act for Fiscal Year 2001, a copy of the delegation of au-
23 thority required by subsection (b)(3).”.

1 **SEC. 3142. REPORT ON TANK WASTE REMEDIATION SYS-**
2 **TEM, HANFORD RESERVATION, RICHLAND,**
3 **WASHINGTON.**

4 Not later than December 15, 2000, the Secretary of
5 Energy shall submit to Congress a report on the Tank
6 Waste Remediation System project, Hanford Reservation,
7 Richland, Washington. The report shall include the fol-
8 lowing:

9 (1) A proposed plan for processing and stabi-
10 lizing all nuclear waste located in the Hanford Tank
11 Farm.

12 (2) A proposed schedule for carrying out that
13 proposed plan.

14 (3) The total estimated cost of carrying out
15 that proposed plan.

16 (4) A description of any alternative options to
17 that proposed plan and a description of the costs
18 and benefits of each such option.

19 (5) A description of the volumes and character-
20 istics of any wastes or materials that are not to be
21 treated during phase 1(B) of the project.

22 (6) A plan for developing, demonstrating, and
23 implementing advanced vitrification system tech-
24 nologies that can be used to treat and stabilize any
25 out-of-specification wastes or materials (such as pol-
26 ychlorinated biphenyls) that cannot be treated and

1 stabilized with the technologies that are to be used
2 during phase 1(B) of the project.

3 **Subtitle D—Matters Relating to**
4 **Management of National Nu-**
5 **clear Security Administration**

6 **SEC. 3151. TERM OF OFFICE OF PERSON FIRST APPOINTED**
7 **AS UNDER SECRETARY FOR NUCLEAR SECU-**
8 **RITY OF THE DEPARTMENT OF ENERGY.**

9 (a) LENGTH OF TERM.—The term of office as Under
10 Secretary for Nuclear Security of the Department of En-
11 ergy of the person first appointed to that position shall
12 be three years.

13 (b) EXCLUSIVE REASONS FOR REMOVAL.—The ex-
14 clusive reasons for removal from office as Under Secretary
15 for Nuclear Security of the person described in subsection
16 (a) shall be inefficiency, neglect of duty, or malfeasance
17 in office.

18 (c) POSITION DESCRIBED.—The position of Under
19 Secretary for Nuclear Security of the Department of En-
20 ergy referred to in this section is the position established
21 by subsection (c) of section 202 of the Department of En-
22 ergy Organization Act (42 U.S.C. 7132), as added by sec-
23 tion 3202 of the National Nuclear Security Administration
24 Act (title XXXII of Public Law 106–65; 113 Stat. 954).

1 **SEC. 3152. MEMBERSHIP OF UNDER SECRETARY FOR NU-**
2 **CLEAR SECURITY ON THE JOINT NUCLEAR**
3 **WEAPONS COUNCIL.**

4 (a) MEMBERSHIP.—Section 179 of title 10, United
5 States Code, is amended—

6 (1) in subsection (a), by striking paragraph (3)
7 and inserting the following new paragraph (3):

8 “(3) The Under Secretary for Nuclear Security
9 of the Department of Energy.”; and

10 (2) in subsection (b)(2), by striking “the rep-
11 resentative designated under subsection (a)(3)” and
12 inserting “the Under Secretary for Nuclear Security
13 of the Department of Energy”.

14 (b) CONFORMING AMENDMENT.—Section 3212 of the
15 National Nuclear Security Administration Act (title
16 XXXII of Public Law 106–65; 113 Stat. 957; 50 U.S.C.
17 2402) is amended by adding at the end the following new
18 subsection:

19 “(e) MEMBERSHIP ON JOINT NUCLEAR WEAPONS
20 COUNCIL.—The Administrator serves as a member of the
21 Joint Nuclear Weapons Council under section 179 of title
22 10, United States Code.”.

1 **SEC. 3153. ORGANIZATION PLAN FOR FIELD OFFICES OF**
2 **THE NATIONAL NUCLEAR SECURITY ADMIN-**
3 **ISTRATION.**

4 (a) **PLAN REQUIRED.**—Not later than May 1, 2001,
5 the Administrator for Nuclear Security shall submit to the
6 Committee on Armed Services of the Senate and the Com-
7 mittee on Armed Services of the House of Representatives
8 a plan for assigning roles and responsibilities to and
9 among the headquarters and field organizational units of
10 the National Nuclear Security Administration.

11 (b) **PLAN ELEMENTS.**—The plan shall include the
12 following:

13 (1) A general description of the organizational
14 structure of the administrative functions of the Na-
15 tional Nuclear Security Administration under the
16 plan, including the authorities and responsibilities to
17 be vested in the units of the headquarters, oper-
18 ations offices, and area offices of the Administra-
19 tion.

20 (2) A description of any downsizing, elimi-
21 nation, or consolidation of units of the headquarters,
22 operations offices, and area offices of the Adminis-
23 tration that may be necessary to enhance the effi-
24 ciency of the Administration.

25 (3) A description of the modifications of staff-
26 ing levels of the headquarters, operations offices,

1 and area offices of the Administration, including any
2 reductions in force, employment of additional per-
3 sonnel, or realignments of personnel, that are nec-
4 essary to implement the plan.

5 (4) A schedule for the implementation of the
6 plan.

7 (c) INCLUDED FACILITIES.—The plan shall address
8 any administrative units in the National Nuclear Security
9 Administration, including units in and under the fol-
10 lowing:

11 (1) The Department of Energy Headquarters,
12 Washington, District of Columbia, metropolitan
13 area.

14 (2) The Albuquerque Operations Office, Albu-
15 querque, New Mexico.

16 (3) The Nevada Operations Office, Las Vegas,
17 Nevada.

18 (4) The Oak Ridge Operations Office, Oak
19 Ridge, Tennessee.

20 (5) The Oakland Operations Office, Oakland,
21 California.

22 (6) The Savannah River Operations Office,
23 Aiken, South Carolina.

24 (7) The Los Alamos Area Office, Los Alamos,
25 New Mexico.

1 (8) The Kirtland Area Office, Albuquerque,
2 New Mexico.

3 (9) The Amarillo Area Office, Amarillo, Texas.

4 (10) The Kansas City Area Office, Kansas City,
5 Missouri.

6 **SEC. 3154. REQUIRED CONTENTS OF FUTURE-YEARS NU-**
7 **CLEAR SECURITY PROGRAM.**

8 (a) CONTENTS REQUIRED.—Subsection (b) of section
9 3253 of the National Nuclear Security Administration Act
10 (title XXXII of Public Law 106–65; 113 Stat. 966; 50
11 U.S.C. 2453) is amended—

12 (1) by striking paragraph (1);

13 (2) by redesignating paragraph (2) as para-
14 graph (4); and

15 (3) by inserting before paragraph (4) (as redes-
16 ignated by paragraph (2)) the following new para-
17 graphs:

18 “(1) A detailed description of the program ele-
19 ments (and the projects, activities, and construction
20 projects associated with each such program element)
21 during the applicable five-fiscal year period for at
22 least each of the following:

23 “(A) For defense programs—

24 “(i) directed stockpile work;

25 “(ii) campaigns;

1 “(iii) readiness in technical base and
2 facilities; and

3 “(iv) secure transportation asset.

4 “(B) For defense nuclear
5 nonproliferation—

6 “(i) nonproliferation and verification,
7 research, and development;

8 “(ii) arms control; and

9 “(iii) fissile materials disposition.

10 “(C) For naval reactors, naval reactors op-
11 erations and maintenance.

12 “(2) A statement of proposed budget authority,
13 estimated expenditures, and proposed appropriations
14 necessary to support each program element specified
15 pursuant to paragraph (1).

16 “(3) A detailed description of how the funds
17 identified for each program element specified pursu-
18 ant to paragraph (1) in the budget for the Adminis-
19 tration for each fiscal year during that five-fiscal
20 year period will help ensure that the nuclear weap-
21 ons stockpile is safe and reliable, as determined in
22 accordance with the criteria established under sec-
23 tion 3158 of the Strom Thurmond National Defense
24 Authorization Act for Fiscal Year 1999 (42 U.S.C.
25 2121 note).”.

1 (b) CONFORMING AMENDMENTS.—Such section is
2 further amended—

3 (1) by striking subsection (c);

4 (2) by redesignating subsections (d) and (e) as
5 subsections (c) and (d), respectively; and

6 (3) in subsection (d), as so redesignated, by
7 striking “subsection (d)” and inserting “subsection
8 (c)”.

9 **SEC. 3155. FUTURE-YEARS NUCLEAR SECURITY PROGRAM**
10 **FOR FISCAL YEAR 2001.**

11 (a) PROGRAM REQUIRED.—(1) Without regard to
12 any future-years nuclear security program submitted be-
13 fore the date of the enactment of this Act, the Adminis-
14 trator for Nuclear Security shall submit to the congres-
15 sional defense committees a future-years nuclear security
16 program (including associated annexes) for fiscal year
17 2001 and the five succeeding fiscal years.

18 (2) The program shall reflect the estimated expendi-
19 tures and proposed appropriations included in the budget
20 for fiscal year 2001 that was submitted to Congress under
21 section 1105(a) of title 31, United States Code.

22 (b) PROGRAM DETAIL.—The level of detail of the
23 program submitted under subsection (a) shall be equiva-
24 lent to the level of detail in the Project Baseline Summary

1 system of the Department of Energy, if practicable, but
2 in no event below the following:

3 (1) In the case of directed stockpile work, detail
4 as follows:

5 (A) Stockpile research and development.

6 (B) Stockpile maintenance.

7 (C) Stockpile evaluation.

8 (D) Dismantlement and disposal.

9 (E) Production support.

10 (F) Field engineering, training, and manu-
11 als.

12 (2) In the case of campaigns, detail as follows:

13 (A) Primary certification.

14 (B) Dynamic materials properties.

15 (C) Advanced radiography.

16 (D) Secondary certification and nuclear
17 system margins.

18 (E) Enhanced surety.

19 (F) Weapons system engineering certifi-
20 cation.

21 (G) Certification in hostile environments.

22 (H) Enhanced surveillance.

23 (I) Advanced design and production tech-
24 nologies.

1 (J) Inertial confinement fusion (ICF) igni-
2 tion and high yield.

3 (K) Defense computing and modeling.

4 (L) Pit manufacturing readiness.

5 (M) Secondary readiness.

6 (N) High explosive readiness.

7 (O) Nonnuclear readiness.

8 (P) Materials readiness.

9 (Q) Tritium readiness.

10 (3) In the case of readiness in technical base
11 and facilities, detail as follows:

12 (A) Operation of facilities.

13 (B) Program readiness.

14 (C) Special projects.

15 (D) Materials recycle and recovery.

16 (E) Containers.

17 (F) Storage.

18 (4) In the case of secure transportation assets,
19 detail as follows:

20 (A) Operation and maintenance.

21 (B) Program direction relating to trans-
22 portation.

23 (5) Program direction.

24 (6) Construction (listed by project number).

1 (7) In the case of safeguards and security, de-
2 tail as follows:

3 (A) Operation and maintenance.

4 (B) Construction.

5 (c) DEADLINE FOR SUBMITTAL.—The future-years
6 nuclear security program required by subsection (a) shall
7 be submitted not later than November 1, 2000.

8 (d) LIMITATION ON USE OF FUNDS PENDING SUB-
9 MITTAL.—Not more than 65 percent of the funds appro-
10 priated pursuant to the authorization of appropriations in
11 section 3101(a)(1)(C) or otherwise made available made
12 available to the Department of Energy for fiscal year 2001
13 for program direction in carrying out weapons activities
14 may be obligated or expended until 45 days after the date
15 on which the Administrator for Nuclear Security submits
16 to the congressional defense committees the program re-
17 quired by subsection (a).

18 **SEC. 3156. ENGINEERING AND MANUFACTURING RE-**
19 **SEARCH, DEVELOPMENT, AND DEMONSTRA-**
20 **TION BY PLANT MANAGERS OF CERTAIN NU-**
21 **CLEAR WEAPONS PRODUCTION PLANTS.**

22 (a) AUTHORITY FOR PROGRAMS AT NUCLEAR WEAP-
23 ONS PRODUCTIONS FACILITIES.—The Administrator for
24 Nuclear Security shall authorize the head of each nuclear
25 weapons production facility to establish an Engineering

1 and Manufacturing Research, Development, and Dem-
2 onstration Program under this section.

3 (b) PROJECTS AND ACTIVITIES.—The projects and
4 activities carried out through the program at a nuclear
5 weapons production facility under this section shall sup-
6 port innovative or high-risk design and manufacturing
7 concepts and technologies with potentially high payoff for
8 the nuclear weapons complex. Those projects and activities
9 may include—

10 (1) replacement of obsolete or aging design and
11 manufacturing technologies;

12 (2) development of innovative agile manufac-
13 turing techniques and processes; and

14 (3) training, recruitment, or retention of essen-
15 tial personnel in critical engineering and manufac-
16 turing disciplines.

17 (c) FUNDING.—The Administrator may authorize the
18 head of each nuclear weapons production facility to obli-
19 gate up to \$3,000,000 of funds within the Advanced De-
20 sign and Production Technologies Campaign available for
21 such facility during fiscal year 2001 to carry out projects
22 and activities of the program under this section at that
23 facility.

24 (d) REPORT.—The Administrator for Nuclear Secu-
25 rity shall submit to the Committee on Armed Services of

1 the Senate and the Committee on Armed Services of the
 2 House of Representatives, not later than September 15,
 3 2001, a report describing, for each nuclear weapons pro-
 4 duction facility, each project or activity for which funds
 5 were obligated under the program, the criteria used in the
 6 selection of each such project or activity, the potential ben-
 7 efits of each such project or activity, and the Administra-
 8 tor's recommendation concerning whether the program
 9 should be continued.

10 (e) DEFINITION.—For purposes of this section, the
 11 term “nuclear weapons production facility” has the mean-
 12 ing given that term in section 3281(2) of the National Nu-
 13 clear Security Administration Act (title XXXII of Public
 14 Law 106–65; 113 Stat. 968; 50 U.S.C. 2471(2)).

15 **SEC. 3157. PROHIBITION ON INDIVIDUALS ENGAGING IN**
 16 **CONCURRENT SERVICE OR DUTIES WITHIN**
 17 **NATIONAL NUCLEAR SECURITY ADMINISTRA-**
 18 **TION AND OUTSIDE THAT ADMINISTRATION**
 19 **BUT WITHIN DEPARTMENT OF ENERGY.**

20 Section 3213 of the National Nuclear Security Ad-
 21 ministration Act (title XXXII of Public Law 106–65; 113
 22 Stat. 958; 50 U.S.C. 2403) is amended—

23 (1) in subsection (a), by striking “Administra-
 24 tion,” and all that follows through “function of the”;

1 (2) in subsection (b), by striking “, in carrying
2 out any function of the Administration,”; and

3 (3) by adding at the end the following new sub-
4 section:

5 “(d) PROHIBITION ON DUAL OFFICE HOLDING.—
6 Except in accordance with sections 3212(a)(2) and
7 3216(a)(1):

8 “(1) An individual may not concurrently hold or
9 carry out the responsibilities of—

10 “(A) a position within the Administration;
11 and

12 “(B) a position within the Department of
13 Energy not within the Administration.

14 “(2) No funds appropriated or otherwise made
15 available for any fiscal year may be used to pay, to
16 an individual who concurrently holds or carries out
17 the responsibilities of a position specified in para-
18 graph (1)(A) and a position specified in paragraph
19 (1)(B), the basic pay, salary, or other compensation
20 relating to any such position.”.

21 **SEC. 3158. ANNUAL PLAN FOR OBLIGATION OF FUNDS OF**
22 **THE NATIONAL NUCLEAR SECURITY ADMIN-**
23 **ISTRATION.**

24 (a) PLAN REQUIRED.—Section 3252 of the National
25 Nuclear Security Administration Act (title XXXII of Pub-

1 lie Law 106–65; 113 Stat. 966; 50 U.S.C. 2452) is
2 amended—

3 (1) by inserting “(a) PROCEDURES RE-
4 QUIRED.—” before “The Administrator shall”; and

5 (2) by adding at the end the following new sub-
6 sections:

7 “(b) ANNUAL PLAN FOR OBLIGATION OF FUNDS.—

8 (1) Each year, the Administrator shall prepare a plan for
9 the obligation of the amounts that, in the President’s
10 budget submitted to Congress that year under section
11 1105(a) of title 31, United States Code, are proposed to
12 be appropriated for the Administration for the fiscal year
13 that begins in that year (in this section referred to as the
14 ‘budget year’) and the two succeeding fiscal years.

15 “(2) For each program element and construction line
16 item of the Administration, the plan shall provide the goal
17 of the Administration for the obligation of those amounts
18 for that element or item for each fiscal year of the plan,
19 expressed as a percentage of the total amount proposed
20 to be appropriated in that budget for that element or item.

21 “(c) SUBMISSION OF PLAN AND REPORT.—The Ad-
22 ministrator shall submit to Congress each year, at or
23 about the time that the President’s budget is submitted
24 to Congress under section 1105(a) of title 31, United
25 States Code, each of the following:

1 “(1) The plan required by subsection (b) pre-
2 pared with respect to that budget.

3 “(2) A report on the plans prepared with re-
4 spect to the preceding years’ budgets, which shall in-
5 clude, for each goal provided in those plans—

6 “(A) the assessment of the Administrator
7 as to whether or not that goal was met; and

8 “(B) if that assessment is that the goal
9 was not met—

10 “(i) the reasons why that goal was not
11 met; and

12 “(ii) the plan of the Administrator for
13 meeting or, if necessary, adjusting that
14 goal.”.

15 (b) EFFECTIVE DATE OF REQUIREMENT TO ASSESS
16 PRIOR PLAN.—The first report submitted under para-
17 graph (2) of subsection (c) of such section (as added by
18 subsection (a)) shall be the report on the plan prepared
19 with respect to the budget submitted in calendar year
20 2001.

21 (c) GAO REPORT.—Not later than March 15, 2001,
22 the Comptroller General shall submit to the congressional
23 defense committees an assessment of the adequacy of the
24 planning, programming, and budgeting processes of the
25 National Nuclear Security Administration.

1 **SEC. 3159. AUTHORITY TO REORGANIZE NATIONAL NU-**
2 **CLEAR SECURITY ADMINISTRATION.**

3 (a) REORGANIZATION AUTHORITY.—Section 3212 of
4 the National Nuclear Security Administration Act (title
5 XXXII of Public Law 106–65; 113 Stat. 957; 50 U.S.C.
6 2402) is amended by adding at the end the following new
7 subsection:

8 “(e) REORGANIZATION AUTHORITY.—Except as pro-
9 vided by subsections (b) and (c) of section 3291:

10 “(1) The Administrator may establish, abolish,
11 alter, consolidate, or discontinue any organizational
12 unit or component of the Administration, or transfer
13 any function of the Administration.

14 “(2) Such authority does not apply to the aboli-
15 tion of organizational units or components estab-
16 lished by law or the transfer of functions vested by
17 law in any organizational unit or component.”.

18 (b) CONFORMING AMENDMENTS.—Section 643 of the
19 Department of Energy Organization Act (42 U.S.C. 7253)
20 is amended—

21 (1) by striking “The Secretary” and inserting
22 “(a) Except as provided in subsection (b), the Sec-
23 retary”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(b) The authority of the Secretary under subsection
2 (a) does not apply to the National Nuclear Security Ad-
3 ministration. The corresponding authority that applies to
4 the Administration is set forth in section 3212(e) of the
5 National Nuclear Security Administration Act.”.

6 **Subtitle E—National Laboratories**
7 **Partnership Improvement**

8 **SEC. 3161. TECHNOLOGY INFRASTRUCTURE PILOT PRO-**
9 **GRAM.**

10 (a) ESTABLISHMENT.—The Administrator for Nu-
11 clear Security shall establish a Technology Infrastructure
12 Pilot Program in accordance with this section.

13 (b) PURPOSE.—The purpose of the program shall be
14 to explore new methods of collaboration and improvements
15 in the management and effectiveness of collaborative pro-
16 grams carried out by the national security laboratories and
17 nuclear weapons production facilities in partnership with
18 private industry and institutions of higher education and
19 to improve the ability of those laboratories and facilities
20 to support missions of the Administration.

21 (c) FUNDING.—(1) Except as provided in paragraph
22 (2), funding shall be available for the pilot program only
23 to the extent of specific authorizations and appropriations
24 enacted after the date of the enactment of this Act.

1 (2) From amounts available in fiscal years 2001 and
2 2002 for technology partnership programs of the Adminis-
3 tration, the Administrator may allocate to carry out the
4 pilot program not more than \$5,000,000.

5 (d) PROJECT REQUIREMENTS.—A project may not be
6 approved for the pilot program unless the project meets
7 the following requirements:

8 (1) The participants in the project include—

9 (A) a national security laboratory or nu-
10 clear weapons production facility; and

11 (B) one or more of the following:

12 (i) A business.

13 (ii) An institution of higher education.

14 (iii) A nonprofit institution.

15 (iv) An agency of a State, local, or
16 tribal government.

17 (2)(A) Not less than 50 percent of the costs of
18 the project are to be provided by non-Federal
19 sources.

20 (B)(i) The calculation of the amount of the
21 costs of the project provided by non-Federal sources
22 shall include cash, personnel, services, equipment,
23 and other resources expended on the project.

24 (ii) No funds or other resources expended be-
25 fore the start of the project or outside the project's

1 scope of work may be credited toward the costs pro-
2 vided by non-Federal sources to the project.

3 (3) The project (other than in the case of a
4 project under which the participating laboratory or
5 facility receives funding under this section) shall be
6 competitively selected by that laboratory or facility
7 using procedures determined to be appropriate by
8 the Administrator.

9 (4) No Federal funds shall be made available
10 under this section for—

11 (A) construction; or

12 (B) any project for more than five years.

13 (e) SELECTION CRITERIA.—(1) The projects selected
14 for the pilot program shall—

15 (A) stimulate the development of technology ex-
16 pertise and capabilities in private industry and insti-
17 tutions of higher education that can support the nu-
18 clear weapons and nuclear nonproliferation missions
19 of the national security laboratories and nuclear
20 weapons production facilities on a continuing basis;

21 (B) improve the ability of those laboratories
22 and facilities benefit from commercial research, tech-
23 nology, products, processes, and services that can
24 support the nuclear weapons and nuclear non-

1 proliferation missions of those laboratories and fa-
2 cilities on a continuing basis; and

3 (C) encourage the exchange of scientific and
4 technological expertise between those laboratories
5 and facilities and—

6 (i) institutions of higher education;

7 (ii) technology-related business concerns;

8 (iii) nonprofit institutions; and

9 (iv) agencies of State, tribal, or local gov-
10 ernments;

11 that can support the missions of those laboratories
12 and facilities.

13 (2) The Administrator may authorize the provision
14 of Federal funds for a project under this section only if
15 the director of the laboratory or facility managing the
16 project determines that the project is likely to improve the
17 ability of that laboratory or facility to achieve technical
18 success in meeting nuclear weapons and nuclear non-
19 proliferation missions of the Administration.

20 (3) The Administrator shall require the director of
21 the laboratory or facility to consider the following criteria
22 in selecting a project to receive Federal funds:

23 (A) The potential of the project to succeed,
24 based on its technical merit, team members, man-
25 agement approach, resources, and project plan.

1 (B) The potential of the project to promote the
2 development of a commercially sustainable tech-
3 nology, determined by considering whether the
4 project will derive sufficient demand for its products
5 or services from the private sector to support the nu-
6 clear weapons and nuclear nonproliferation missions
7 of the participating laboratory or facility on a con-
8 tinuing basis.

9 (C) The potential of the project to promote the
10 use of commercial research, technology, products,
11 processes, and services by the participating labora-
12 tory or facility to achieve its nuclear weapons and
13 nuclear nonproliferation missions.

14 (D) The commitment shown by non-Federal or-
15 ganizations to the project, based primarily on the
16 nature and amount of the financial and other re-
17 sources they will risk on the project.

18 (E) The extent to which the project involves a
19 wide variety and number of institutions of higher
20 education, nonprofit institutions, and technology-re-
21 lated business concerns that can support the nuclear
22 weapons and nuclear nonproliferation missions of
23 the participating laboratory or facility on a con-
24 tinuing basis and that will make substantive con-
25 tributions to achieving the goals of the project.

1 (F) The extent of participation in the project by
2 agencies of State, tribal, or local governments that
3 will make substantive contributions to achieving the
4 goals of the project.

5 (G) The extent to which the project focuses on
6 promoting the development of technology-related
7 business concerns that are small business concerns
8 or involves small business concerns substantively in
9 the project.

10 (f) IMPLEMENTATION PLAN.—No funds may be allo-
11 cated for the pilot program until 30 days after the date
12 on which the Administrator submits to the congressional
13 defense committees a plan for the implementation of the
14 pilot program. The plan shall, at a minimum—

15 (1) identify the national security laboratories
16 and nuclear weapons production facilities that have
17 been designated by the Administrator to participate
18 in the pilot program; and

19 (2) with respect to each laboratory or facility
20 identified under paragraph (1)—

21 (A) identify the businesses, institutions of
22 higher education, nonprofit institutions, and
23 agencies of State, local, or tribal government
24 that are expected to participate in the pilot pro-
25 gram at that laboratory or facility;

1 (B) identify the technology areas to be ad-
2 dressed by the pilot program at that laboratory
3 or facility and the manner in which the pilot
4 program will support high-priority missions of
5 that laboratory or facility on a continuing basis;
6 and

7 (C) describe the management controls that
8 have been put into place to ensure that the pilot
9 program as conducted at that laboratory or fa-
10 cility is conducted in a cost-effective manner
11 consistent with the objectives of the pilot pro-
12 gram.

13 (g) REPORT ON IMPLEMENTATION.—(1) Not later
14 than February 1, 2002, the Administrator shall submit
15 to the congressional defense committees a report on the
16 implementation and management of the pilot program.
17 The report shall take into consideration the results of the
18 pilot program to date and the views of the directors of
19 the participating laboratories and facilities. The report
20 shall include any recommendations the Administrator may
21 have concerning the future of the pilot program.

22 (2) Not later than 30 days after the date on which
23 the Administrator submits the report required by para-
24 graph (1), the Comptroller General shall submit to the

1 congressional defense committees a report containing the
2 Comptroller General's assessment of that report.

3 **SEC. 3162. REPORT ON SMALL BUSINESS PARTICIPATION IN**
4 **NATIONAL NUCLEAR SECURITY ADMINISTRA-**
5 **TION ACTIVITIES.**

6 (a) REPORT REQUIRED.—Not later than February
7 15, 2001, the Administrator for Nuclear Security shall
8 submit to the congressional defense committees a report
9 on small business participation in the activities of the Na-
10 tional Nuclear Security Administration.

11 (b) CONTENTS OF REPORT.—The report shall include
12 the following:

13 (1) A description of the scope and nature of the
14 efforts of the National Nuclear Security Administra-
15 tion as of the date of the enactment of this Act to
16 encourage or increase participation of small business
17 concerns in procurements, collaborative research,
18 technology licensing, and technology transfer activi-
19 ties carried out by the national security laboratories
20 or nuclear weapons production facilities.

21 (2) An assessment of the effectiveness of those
22 efforts in securing products and services of value to
23 those laboratories and facilities.

24 (3) Recommendations on how to improve those
25 efforts.

1 (4) An identification of legislative changes re-
2 quired to implement those recommendations.

3 **SEC. 3163. STUDY AND REPORT RELATED TO IMPROVING**
4 **MISSION EFFECTIVENESS, PARTNERSHIPS,**
5 **AND TECHNOLOGY TRANSFER AT NATIONAL**
6 **SECURITY LABORATORIES AND NUCLEAR**
7 **WEAPONS PRODUCTION FACILITIES.**

8 (a) STUDY AND REPORT REQUIRED.—The Secretary
9 of Energy shall direct the Secretary of Energy Advisory
10 Board to study and to submit to the Secretary not later
11 than one year after the date of the enactment of this Act
12 a report regarding the following topics:

13 (1) The advantages and disadvantages of pro-
14 viding the Administrator for Nuclear Security with
15 authority, notwithstanding the limitations otherwise
16 imposed by the Federal Acquisition Regulation, to
17 enter into transactions with public agencies, private
18 organizations, or individuals on terms the Adminis-
19 trator considers appropriate to the furtherance of
20 basic, applied, and advanced research functions. The
21 Advisory Board shall consider, in its assessment of
22 this authority, the management history of the De-
23 partment of Energy and the effect of this authority
24 on the National Nuclear Security Administration's

1 use of contractors to operate the national security
2 laboratories.

3 (2) The advantages and disadvantages of estab-
4 lishing and implementing policies and procedures to
5 facilitate the transfer of scientific, technical, and
6 professional personnel among national security lab-
7 oratories and nuclear weapons production facilities.

8 (3) The advantages and disadvantages of mak-
9 ing changes in—

10 (A) the indemnification requirements for
11 patents or other intellectual property licensed
12 from a national security laboratory or nuclear
13 weapons production facility;

14 (B) the royalty and fee schedules and
15 types of compensation that may be used for
16 patents or other intellectual property licensed to
17 a small business concern from a national secu-
18 rity laboratory or nuclear weapons production
19 facility;

20 (C) the licensing procedures and require-
21 ments for patents and other intellectual prop-
22 erty;

23 (D) the rights given to a small business
24 concern that has licensed a patent or other in-
25 tellectual property from a national security lab-

1 oratory or nuclear weapons production facility
2 to bring suit against third parties infringing
3 such intellectual property;

4 (E) the advance funding requirements for
5 a small business concern funding a project at a
6 national security laboratory or nuclear weapons
7 production facility through a funds-in agree-
8 ment;

9 (F) the intellectual property rights allo-
10 cated to a business when it is funding a project
11 at a national security laboratory or nuclear
12 weapons production facility through a funds-in
13 agreement; and

14 (G) policies on royalty payments to inven-
15 tors employed by a contractor operating a na-
16 tional security laboratory or nuclear weapons
17 production facility, including those for inven-
18 tions made under a funds-in agreement.

19 (b) DEFINITION OF FUNDS-IN AGREEMENT.—For
20 the purposes of this section, the term “funds-in agree-
21 ment” means a contract between the Department and a
22 non-Federal organization under which that organization
23 pays the Department to provide a service or material not
24 otherwise available in the domestic private sector.

1 (c) SUBMISSION TO CONGRESS.—Not later than one
2 month after receiving the report under subsection (a), the
3 Secretary shall submit to Congress that report, along with
4 the Secretary’s recommendations for action and proposals
5 for legislation to implement the recommendations.

6 **SEC. 3164. REPORT ON EFFECTIVENESS OF NATIONAL NU-**
7 **CLEAR SECURITY ADMINISTRATION TECH-**
8 **NOLOGY DEVELOPMENT PARTNERSHIPS**
9 **WITH NON-FEDERAL ENTITIES.**

10 (a) REPORT REQUIRED.—The Administrator for Nu-
11 clear Security shall submit to Congress, not later than
12 March 1, 2001, a report on the efficiency and effectiveness
13 with which the National Nuclear Security Administration
14 and its laboratories and facilities carry out technology de-
15 velopment activities in partnership with non-Federal enti-
16 ties, including cooperative research and development
17 agreements. The report shall include an examination of
18 the following matters with respect to the carrying out of
19 those activities:

20 (1) Funding sources available to and used by
21 the Administration.

22 (2) Types of legal instruments used by the Ad-
23 ministration, and the extent to which they are used.

24 (3) Procedures used for selection of partici-
25 pants.

1 (4) Intellectual property licensing and royalty
2 provisions.

3 (5) New technologies developed.

4 (6) The extent to which those new technologies
5 have—

6 (A) commercial utility; and

7 (B) utility to the nuclear weapons and nu-
8 clear nonproliferation missions of the Adminis-
9 tration.

10 (b) ADDITIONAL REQUIREMENTS FOR COOPERATIVE
11 RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) The
12 report required by subsection (a) shall include a section
13 providing the following with respect to cooperative re-
14 search and development agreements:

15 (A) An assessment of the advantages and dis-
16 advantages of such agreements.

17 (B) Any recommendations of the Administrator
18 regarding the use of such agreements by the Admin-
19 istration in the future, including any appropriate
20 funding levels.

21 (C) Any recommendations of the Administrator
22 regarding legislation to make such agreements more
23 effective in supporting the Administration's core nu-
24 clear weapons and nuclear non-proliferation mis-
25 sions.

1 (2) In this subsection, the term “cooperative research
2 and development agreement” has the meaning given such
3 term in section 12(d)(1) of the Stevenson-Wydler Tech-
4 nology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)).

5 (c) GAO REVIEW.—The Comptroller General shall
6 submit to Congress, within 30 days after the submission
7 of the report required by subsection (a), a report con-
8 taining the Comptroller General’s assessment of that re-
9 port.

10 **SEC. 3165. DEFINITIONS.**

11 For purposes of this subtitle, the terms “national se-
12 curity laboratory” and “nuclear weapons production facil-
13 ity” have the meanings given such terms in section 3281
14 of the National Nuclear Security Administration Act (title
15 XXXII of Public Law 106–65; 113 Stat. 968; 50 U.S.C.
16 2471).

17 **Subtitle F—Matters Relating to** 18 **Defense Nuclear Nonproliferation**

19 **SEC. 3171. ANNUAL REPORT ON STATUS OF NUCLEAR MA-** 20 **TERIALS PROTECTION, CONTROL, AND AC-** 21 **COUNTING PROGRAM.**

22 (a) REPORT REQUIRED.—Not later than January 1
23 of each year, the Secretary of Energy shall submit to the
24 Committee on Armed Services of the Senate and the Com-
25 mittee on Armed Services of the House of Representatives

1 a report on the status of efforts during the preceding fiscal
2 year under the Nuclear Materials Protection, Control, and
3 Accounting Program of the Department of Energy to se-
4 cure weapons-usable nuclear materials in Russia that have
5 been identified as being at risk for theft or diversion.

6 (b) CONTENTS.—Each report under subsection (a)
7 shall include the following:

8 (1) The number of buildings, including building
9 locations, that received complete and integrated ma-
10 terials protection, control, and accounting systems
11 for nuclear materials described in subsection (a)
12 during the year covered by such report.

13 (2) The amounts of highly enriched uranium
14 and plutonium in Russia that have been secured
15 under systems described in paragraph (1) as of the
16 date of such report.

17 (3) The amount of nuclear materials described
18 in subsection (a) that continues to require securing
19 under systems described in paragraph (1) as of the
20 date of such report.

21 (4) A plan for actions to secure the nuclear ma-
22 terials identified in paragraph (3) under systems de-
23 scribed in paragraph (1), including an estimate of
24 the cost of such actions.

1 (5) The amounts expended through the fiscal
2 year preceding the date of such report to secure nu-
3 clear materials described in subsection (a) under
4 systems described in paragraph (1), set forth by
5 total amount and by amount per fiscal year.

6 (c) LIMITATION ON USE OF CERTAIN FUNDS.—(1)
7 No amounts authorized to be appropriated for the Depart-
8 ment of Energy by this Act or any other Act for purposes
9 of the Nuclear Materials Protection, Control, and Ac-
10 counting Program may be obligated or expended after
11 September 30, 2000, for any project under the program
12 at a site controlled by the Russian Ministry of Atomic En-
13 ergy (MINATOM) in Russia until the Secretary submits
14 to the Committee on Armed Services of the Senate and
15 the Committee on Armed Services of the House of Rep-
16 resentatives a report on the access policy established with
17 respect to such project, including a certification that the
18 access policy has been implemented.

19 (2) The access policy with respect to a project under
20 this subsection shall—

21 (A) permit appropriate determinations by
22 United States officials regarding security require-
23 ments, including security upgrades, for the project;
24 and

1 (B) ensure verification by United States offi-
2 cials that Department of Energy assistance at the
3 project is being used for the purposes intended.

4 **SEC. 3172. NUCLEAR CITIES INITIATIVE.**

5 (a) IN GENERAL.—(1) The Secretary of Energy may,
6 in accordance with the provisions of this section, expand
7 and enhance the activities of the Department of Energy
8 under the Nuclear Cities Initiative.

9 (2) In this section, the term “Nuclear Cities Initia-
10 tive” means the initiative arising pursuant to the joint
11 statement dated July 24, 1998, signed by the Vice Presi-
12 dent of the United States and the Prime Minister of the
13 Russian Federation and the agreement dated September
14 22, 1998, between the United States and the Russian Fed-
15 eration.

16 (b) FUNDING FOR FISCAL YEAR 2001.—There is
17 hereby authorized to be appropriated for the Department
18 of Energy for fiscal year 2001 \$30,000,000 for purposes
19 of the Nuclear Cities Initiative.

20 (c) LIMITATION PENDING SUBMISSION OF AGREE-
21 MENT.—No amount authorized to be appropriated or oth-
22 erwise made available for the Department of Energy for
23 fiscal year 2001 for the Nuclear Cities Initiative may be
24 obligated or expended to provide assistance under the Ini-
25 tiative for more than three nuclear cities in Russia and

1 two serial production facilities in Russia until 30 days
2 after the date on which the Secretary of Energy submits
3 to the Committee on Armed Services of the Senate and
4 the Committee on Armed Services of the House of Rep-
5 resentatives a copy of a written agreement between the
6 United States Government and the Government of the
7 Russian Federation which provides that Russia will close
8 some of its facilities engaged in nuclear weapons assembly
9 and disassembly work.

10 (d) LIMITATION PENDING IMPLEMENTATION OF
11 PROJECT REVIEW PROCEDURES.—(1) Not more than
12 \$8,750,000 of the amounts referred to in subsection (b)
13 may be obligated or expended for purposes of the Initiative
14 until the Secretary of Energy establishes and implements
15 project review procedures for projects under the Initiative
16 and submits to the Committee on Armed Services of the
17 Senate and the Committee on Armed Services of the
18 House of Representatives a report on the project review
19 procedures so established and implemented.

20 (2) The project review procedures established under
21 paragraph (1) shall ensure that any scientific, technical,
22 or commercial project initiated under the Initiative—

23 (A) will not enhance the military or weapons of
24 mass destruction capabilities of Russia;

1 (B) will not result in the inadvertent transfer or
2 utilization of products or activities under such
3 project for military purposes;

4 (C) will be commercially viable; and

5 (D) will be carried out in conjunction with an
6 appropriate commercial, industrial, or nonprofit enti-
7 ty as partner.

8 (e) LIMITATION PENDING CERTIFICATION AND RE-
9 PORT.—No amount in excess of \$17,500,000 authorized
10 to be appropriated for the Department of Energy for fiscal
11 year 2001 for the Nuclear Cities Initiative may be obli-
12 gated or expended for purposes of providing assistance
13 under the Initiative until 30 days after the date on which
14 the Secretary of Energy submits to the Committee on
15 Armed Services of the Senate and the Committee on
16 Armed Services of the House of Representatives the fol-
17 lowing:

18 (1) A copy of the written agreement between
19 the United States and the Russian Federation which
20 provides that Russia will close some of its facilities
21 engaged in nuclear weapons assembly and dis-
22 assembly work within five years of the date of the
23 agreement in exchange for receiving assistance
24 through the Initiative.

25 (2) A certification by the Secretary—

1 (A) that project review procedures for all
2 projects under the Initiative have been estab-
3 lished and are being implemented; and

4 (B) that those procedures will ensure that
5 any scientific, technical, or commercial project
6 initiated under the Initiative—

7 (i) will not enhance the military or
8 weapons of mass destruction capabilities of
9 Russia;

10 (ii) will not result in the inadvertent
11 transfer or utilization of products or activi-
12 ties under such project for military pur-
13 poses;

14 (iii) will be commercially viable within
15 three years after the date of the initiation
16 of the project; and

17 (iv) will be carried out in conjunction
18 with an appropriate commercial, industrial,
19 or other nonprofit entity as partner.

20 (3) A report setting forth the following:

21 (A) A description of the project review pro-
22 cedures process.

23 (B) A list of the projects under the Initia-
24 tive that have been reviewed under such project
25 review procedures.

1 (C) A description for each project listed
2 under subparagraph (B) of the purpose, ex-
3 pected life-cycle costs, out-year budget costs,
4 participants, commercial viability, expected time
5 for income generation, and number of Russian
6 jobs created.

7 (f) PLAN FOR RESTRUCTURING THE RUSSIAN NU-
8 CLEAR COMPLEX.—(1) The President, acting through the
9 Secretary of Energy, is urged to enter into discussions
10 with the Russian Federation for purposes of the develop-
11 ment by the Russian Federation of a plan to restructure
12 the Russian nuclear complex in order to meet changes in
13 the national security requirements of Russia by 2010.

14 (2) The plan under paragraph (1) should include the
15 following:

16 (A) Mechanisms to consolidate the nuclear
17 weapons production capacity in Russia to a capacity
18 that is consistent with the obligations of Russia
19 under current and future arms control agreements.

20 (B) Mechanisms to increase transparency re-
21 garding the restructuring of the Russian nuclear
22 complex and weapons-surplus nuclear materials in-
23 ventories in Russia to the levels of transparency for
24 such matters in the United States, including the

1 participation of Department of Energy officials with
2 expertise in transparency of such matters.

3 (C) Measurable milestones that will permit the
4 United States and the Russian Federation to mon-
5 itor progress under the plan.

6 (g) ENCOURAGEMENT OF CAREERS IN NON-
7 PROLIFERATION.—(1) In carrying out actions under this
8 section, the Secretary of Energy may carry out a program
9 to encourage students in the United States and in the
10 Russian Federation to pursue careers in areas relating to
11 nonproliferation.

12 (2) Of the amounts made available under the Initia-
13 tive for fiscal year 2001 in excess of \$17,500,000, up to
14 \$2,000,000 shall be available for purposes of the program
15 under paragraph (1).

16 (3) The Administrator for Nuclear Security shall no-
17 tify the Committee on Armed Services of the Senate and
18 the Committee on Armed Services of the House of Rep-
19 resentatives before any funds are expended pursuant to
20 paragraph (2). Any such notification shall include—

21 (A) an identification of the amount to be ex-
22 pended under paragraph (2) during fiscal year 2001;

23 (B) the recipients of the funds; and

24 (C) specific information on the activities that
25 will be conducted using those funds.

1 (h) DEFINITIONS.—In this section:

2 (1) The term “nuclear city” means any of the
3 closed nuclear cities within the complex of the Rus-
4 sian Ministry of Atomic Energy as follows:

5 (A) Sarov (Arzamas–16).

6 (B) Zarechnyy (Penza–19).

7 (C) Novoural’sk (Sverdlovsk–44).

8 (D) Lesnoy (Sverdlovsk–45).

9 (E) Ozersk (Chelyabinsk–65).

10 (F) Snezhinsk (Chelyabinsk–70).

11 (G) Trehgornyy (Zlatoust–36).

12 (H) Seversk (Tomsk–7).

13 (I) Zheleznogorsk (Krasnoyarsk–26).

14 (J) Zelenogorsk (Krasnoyarsk–45).

15 (2) The term “Russian nuclear complex” means
16 all of the nuclear cities.

17 (3) The term “serial production facilities”
18 means the facilities in Russia that are located at the
19 following cities:

20 (A) Avangard.

21 (B) Lesnoy (Sverdlovsk–45).

22 (C) Trehgornyy (Zlatoust–36).

23 (D) Zarechnyy (Penza–19).

1 **SEC. 3173. DEPARTMENT OF ENERGY NONPROLIFERATION**
2 **MONITORING.**

3 (a) REPORT REQUIRED.—Not later than March 1,
4 2001, the Secretary of Energy shall submit to the Com-
5 mittee on Armed Services of the Senate and the Com-
6 mittee on Armed Services of the House of Representatives
7 a report on the efforts of the Department of Energy to
8 ensure adequate oversight and accountability of the De-
9 partment's nonproliferation programs in Russia and the
10 potential costs and effects of the use of on-the-ground
11 monitoring for the Department's significant nonprolifera-
12 tion programs in Russia. The report shall include the fol-
13 lowing:

14 (1) A detailed discussion of the current man-
15 agement and oversight mechanisms used to ensure
16 that Federal funds are expended for the intended
17 purposes of those programs and that the projects
18 are achieving their intended objectives.

19 (2) An evaluation of whether those mechanisms
20 are adequate.

21 (3) A discussion of whether there is a need for
22 additional employees of the Department, or of con-
23 tractors of the Department, to be stationed in Rus-
24 sia, or to visit nonproliferation project sites in Rus-
25 sia on a regular basis, to monitor the programs car-

1 ried out at those sites, and an estimate of the prac-
2 tical considerations and costs of such monitoring.

3 (4) An identification of each nonproliferation
4 program and each site at which an employee re-
5 ferred to in paragraph (3) would be placed to mon-
6 itor that program.

7 (5) A description of the costs associated with
8 continued on-the-ground monitoring of those pro-
9 grams, including the costs associated with placing
10 those employees in Russia.

11 (6) Recommendations regarding the most cost-
12 effective option for the Department to pursue to en-
13 sure that Federal funds for those programs are ex-
14 pended for the intended purposes of those programs.

15 (7) Any recommendations of the Secretary for
16 further improvements in the oversight and account-
17 ability of those programs, including any proposed
18 legislation.

19 (b) GAO REPORT.—Not later than April 15, 2001,
20 the Comptroller General shall submit to the committees
21 referred to in subsection (a) a report setting forth the as-
22 sessment of the Comptroller General concerning the infor-
23 mation contained in the report required by that sub-
24 section.

1 **SEC. 3174. SENSE OF CONGRESS ON THE NEED FOR CO-**
2 **ORDINATION OF NONPROLIFERATION PRO-**
3 **GRAMS.**

4 It is the sense of Congress that there should be clear
5 and effective coordination among—

6 (1) the Nuclear Cities Initiative;

7 (2) the Initiatives for Proliferation Prevention
8 program;

9 (3) the Cooperative Threat Reduction pro-
10 grams;

11 (4) the Nuclear Materials Protection, Control,
12 and Accounting Program; and

13 (5) the International Science and Technology
14 Center program.

15 **SEC. 3175. LIMITATION ON USE OF FUNDS FOR INTER-**
16 **NATIONAL NUCLEAR SAFETY PROGRAM.**

17 Amounts authorized to be appropriated or otherwise
18 made available by this title for the Department of Energy
19 for fiscal year 2001 for the International Nuclear Safety
20 Program in the former Soviet Union and Eastern Europe
21 shall be available only for purposes of reactor safety up-
22 grades and training relating to nuclear operator and reac-
23 tor safety.

Subtitle G—Other Matters

SEC. 3191. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 3161(c)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 42 U.S.C. 7231 note) is amended by striking “September 30, 2000” and inserting “September 30, 2002”.

SEC. 3192. BIENNIAL REPORT CONTAINING UPDATE ON NUCLEAR TEST READINESS POSTURES.

Section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 623) is amended—

(1) by inserting “(a) REPORT.—” before “Not later than February 15, 1996,”; and

(2) by adding at the end the following:

“(b) BIENNIAL UPDATE REPORT.—(1) Not later than February 15 of each odd-numbered year, the Secretary shall submit to the congressional defense committees a report containing an update of the report required under subsection (a), as updated by any report previously submitted under this paragraph.

“(2) Each report under paragraph (1) shall include, as of the date of such report, the following:

1 “(A) A list and description of the workforce
2 skills and capabilities that are essential to carry out
3 underground nuclear tests at the Nevada Test Site.

4 “(B) A list and description of the infrastructure
5 and physical plant that are essential to carry out un-
6 derground nuclear tests at the Nevada Test Site.

7 “(C) A description of the readiness status of
8 the skills and capabilities described in subparagraph
9 (A) and of the infrastructure and physical plant de-
10 scribed in subparagraph (B).

11 “(3) Each report under paragraph (1) shall be sub-
12 mitted in unclassified form, but may include a classified
13 annex.”.

14 **SEC. 3193. FREQUENCY OF REPORTS ON INADVERTENT RE-**
15 **LEASES OF RESTRICTED DATA AND FOR-**
16 **MERLY RESTRICTED DATA.**

17 (a) FREQUENCY OF REPORTS.—Section 3161(f)(2)
18 of the Strom Thurmond National Defense Authorization
19 Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat.
20 2261; 50 U.S.C. 435 note) is amended to read as follows:

21 “(2) The Secretary of Energy shall, on a quarterly
22 basis, submit a report to the committees and Assistant
23 to the President specified in subsection (d). The report
24 shall state whether any inadvertent releases described in

1 paragraph (1) occurred during the immediately preceding
2 quarter and, if so, shall identify each such release.”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) apply with respect to inadvertent releases
5 of Restricted Data and Formerly Restricted Data that are
6 discovered on or after the date of the enactment of this
7 Act.

8 **SEC. 3194. FORM OF CERTIFICATIONS REGARDING THE**
9 **SAFETY OR RELIABILITY OF THE NUCLEAR**
10 **WEAPONS STOCKPILE.**

11 Any certification submitted to the President by the
12 Secretary of Defense or the Secretary of Energy regarding
13 confidence in the safety or reliability of a nuclear weapon
14 type in the United States nuclear weapons stockpile shall
15 be submitted in classified form only.

16 **SEC. 3195. AUTHORITY TO PROVIDE CERTIFICATE OF COM-**
17 **MENDATION TO DEPARTMENT OF ENERGY**
18 **AND CONTRACTOR EMPLOYEES FOR EXEM-**
19 **PLARY SERVICE IN STOCKPILE STEWARD-**
20 **SHIP AND SECURITY.**

21 (a) AUTHORITY TO PRESENT CERTIFICATE OF COM-
22 MENDATION.—The Secretary of Energy may present a
23 certificate of commendation to any current or former em-
24 ployee of the Department of Energy, and any current or
25 former employee of a Department contractor, whose serv-

1 ice to the Department in matters relating to stockpile
 2 stewardship and security assisted the Department in fur-
 3 thering the national security interests of the United
 4 States.

5 (b) CERTIFICATE.—The certificate of commendation
 6 presented to a current or former employee under sub-
 7 section (a) shall include an appropriate citation of the
 8 service of the current or former employee described in that
 9 subsection, including a citation for dedication, intellect,
 10 and sacrifice in furthering the national security interests
 11 of the United States by maintaining a strong, safe, and
 12 viable United States nuclear deterrent during the Cold
 13 War or thereafter.

14 (c) DEPARTMENT OF ENERGY DEFINED.—For pur-
 15 poses of this section, the term “Department of Energy”
 16 includes any predecessor agency of the Department of En-
 17 ergy.

18 **SEC. 3196. COOPERATIVE RESEARCH AND DEVELOPMENT**
 19 **AGREEMENTS FOR GOVERNMENT-OWNED,**
 20 **CONTRACTOR-OPERATED LABORATORIES.**

21 (a) STRATEGIC PLANS.—Subsection (a) of section 12
 22 of the Stevenson-Wydler Technology Innovation Act of
 23 1980 (15 U.S.C. 3710a) is amended by striking “joint
 24 work statement,” and inserting “joint work statement or,

1 if permitted by the agency, in an agency-approved annual
2 strategic plan,”.

3 (b) EXPERIMENTAL FEDERAL WAIVERS.—Sub-
4 section (b) of that section is amended by adding at the
5 end the following new paragraph:

6 “(6)(A) In the case of a laboratory that is part of
7 the National Nuclear Security Administration, a des-
8 ignated official of that Administration may waive any li-
9 cense retained by the Government under paragraph
10 (1)(A), (2), or (3)(D), in whole or in part and according
11 to negotiated terms and conditions, if the designated offi-
12 cial finds that the retention of the license by the Govern-
13 ment would substantially inhibit the commercialization of
14 an invention that would otherwise serve an important na-
15 tional security mission.

16 “(B) The authority to grant a waiver under subpara-
17 graph (A) shall expire on the date that is five years after
18 the date of the enactment of the Floyd D. Spence National
19 Defense Authorization Act for Fiscal Year 2001. The expi-
20 ration under the preceding sentence of authority to grant
21 a waiver under subparagraph (A) shall not affect any
22 waiver granted under that subparagraph before the expi-
23 ration of such authority.

24 “(C) Not later than February 15 of each year, the
25 Administrator for Nuclear Security shall submit to Con-

1 gress a report on any waivers granted under this para-
2 graph during the preceding year.”.

3 (c) TIME REQUIRED FOR APPROVAL.—Subsection
4 (c)(5) of that section is amended—

5 (1) by striking subparagraph (C);

6 (2) by redesignating subparagraph (D) as sub-
7 paragraph (C); and

8 (3) in subparagraph (C), as so redesignated—
9 (A) in clause (i)—

10 (i) by striking “with a small business
11 firm”; and

12 (ii) by inserting “if” after “state-
13 ment”; and

14 (B) by adding at the end the following new
15 clauses:

16 “(iv) Any agency that has contracted with a non-Fed-
17 eral entity to operate a laboratory may develop and pro-
18 vide to such laboratory one or more model cooperative re-
19 search and development agreements for purposes of stand-
20 ardizing practices and procedures, resolving common legal
21 issues, and enabling review of cooperative research and de-
22 velopment agreements to be carried out in a routine and
23 prompt manner.

1 “(v) A Federal agency may waive the requirements
2 of clause (i) or (ii) under such circumstances as the agency
3 considers appropriate.”.

4 **SEC. 3197. OFFICE OF ARCTIC ENERGY.**

5 (a) ESTABLISHMENT.—The Secretary of Energy may
6 establish within the Department of Energy an Office of
7 Arctic Energy.

8 (b) PURPOSES.—The purposes of such office shall be
9 as follows:

10 (1) To promote research, development, and de-
11 ployment of electric power technology that is cost-ef-
12 fective and especially well suited to meet the needs
13 of rural and remote regions of the United States, es-
14 pecially where permafrost is present or located near-
15 by.

16 (2) To promote research, development, and de-
17 ployment in such regions of—

18 (A) enhanced oil recovery technology, in-
19 cluding heavy oil recovery, reinjection of carbon,
20 and extended reach drilling technologies;

21 (B) gas-to-liquids technology and liquified
22 natural gas (including associated transportation
23 systems);

24 (C) small hydroelectric facilities, river tur-
25 bines, and tidal power;

1 (D) natural gas hydrates, coal bed meth-
 2 ane, and shallow bed natural gas; and

3 (E) alternative energy, including wind,
 4 geothermal, and fuel cells.

5 (c) LOCATION.—The Secretary shall locate such of-
 6 fice at a university with expertise and experience in the
 7 matters specified in subsection (b).

8 **TITLE XXXII—DEFENSE NU-**
 9 **CLEAR FACILITIES SAFETY**
 10 **BOARD**

11 **SEC. 3201. AUTHORIZATION.**

12 There are authorized to be appropriated for fiscal
 13 year 2001, \$18,500,000 for the operation of the Defense
 14 Nuclear Facilities Safety Board under chapter 21 of the
 15 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

16 **TITLE XXXIII—NATIONAL**
 17 **DEFENSE STOCKPILE**

Sec. 3301. Authorized uses of stockpile funds.

Sec. 3302. Increased receipts under prior disposal authority.

Sec. 3303. Disposal of titanium.

18 **SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.**

19 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
 20 cal year 2001, the National Defense Stockpile Manager
 21 may obligate up to \$71,000,000 of the funds in the Na-
 22 tional Defense Stockpile Transaction Fund established
 23 under subsection (a) of section 9 of the Strategic and Crit-
 24 ical Materials Stock Piling Act (50 U.S.C. 98h) for the

1 authorized uses of such funds under subsection (b)(2) of
2 such section, including the disposal of hazardous materials
3 that are environmentally sensitive.

4 (b) ADDITIONAL OBLIGATIONS.—The National De-
5 fense Stockpile Manager may obligate amounts in excess
6 of the amount specified in subsection (a) if the National
7 Defense Stockpile Manager notifies Congress that extraor-
8 dinary or emergency conditions necessitate the additional
9 obligations. The National Defense Stockpile Manager may
10 make the additional obligations described in the notifica-
11 tion after the end of the 45-day period beginning on the
12 date on which Congress receives the notification.

13 (c) LIMITATIONS.—The authorities provided by this
14 section shall be subject to such limitations as may be pro-
15 vided in appropriations Acts.

16 **SEC. 3302. INCREASED RECEIPTS UNDER PRIOR DISPOSAL**
17 **AUTHORITY.**

18 Section 3303(a)(4) of the Strom Thurmond National
19 Defense Authorization Act for Fiscal Year 1999 (Public
20 Law 105–261; 112 Stat. 2263; 50 U.S.C. 98d note) is
21 amended by striking “\$590,000,000” and inserting
22 “\$720,000,000”.

23 **SEC. 3303. DISPOSAL OF TITANIUM.**

24 (a) DISPOSAL REQUIRED.—Notwithstanding any
25 other provision of law, the President shall, by September

1 30, 2010, dispose of 30,000 short tons of titanium con-
2 tained in the National Defense Stockpile.

3 (b) TREATMENT OF RECEIPTS.—Notwithstanding
4 section 9 of the Strategic and Critical Materials Stock Pil-
5 ing Act (50 U.S.C. 98h), of the funds received as a result
6 of the disposal of titanium under subsection (a),
7 \$6,000,000 shall be transferred to the American Battle
8 Monuments Commission for deposit in the fund estab-
9 lished under section 2113 of title 36, United States Code,
10 for the World War II memorial authorized by section 1
11 of Public Law 103–32 (107 Stat. 90), and the remainder
12 shall be deposited into the Treasury as miscellaneous re-
13 ceipts.

14 (c) WORLD WAR II MEMORIAL.—(1) The amount
15 transferred to the American Battle Monuments Commis-
16 sion under subsection (b) shall be used to complete all nec-
17 essary requirements for the design of, ground breaking
18 for, construction of, maintenance of, and dedication of the
19 World War II memorial. The Commission shall determine
20 how the amount shall be apportioned among such pur-
21 poses.

22 (2) Any funds not necessary for the purposes set
23 forth in paragraph (1) shall be transferred to and depos-
24 ited in the general fund of the Treasury.

1 (d) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-
 2 ITY.—The disposal authority provided in subsection (a) is
 3 new disposal authority and is in addition to, and shall not
 4 affect, any other disposal authority provided by law re-
 5 garding materials in the National Defense Stockpile.

6 **TITLE XXXIV—NAVAL** 7 **PETROLEUM RESERVES**

Sec. 3401. Minimum price of petroleum sold from certain naval petroleum re-
 serves.

Sec. 3402. Repeal of authority to contract for cooperative or unit plans affect-
 ing naval petroleum reserve numbered 1.

Sec. 3403. Disposal of Oil Shale Reserve Numbered 2.

8 **SEC. 3401. MINIMUM PRICE OF PETROLEUM SOLD FROM** 9 **CERTAIN NAVAL PETROLEUM RESERVES.**

10 Section 7430(b)(2) of title 10, United States Code,
 11 is amended—

12 (1) in the matter before subparagraph (A), by
 13 striking “Naval Petroleum Reserves Numbered 1, 2,
 14 and 3” and inserting “Naval Petroleum Reserves
 15 Numbered 2 and 3”; and

16 (2) in subparagraph (A), by striking “90 per-
 17 cent of”.

18 **SEC. 3402. REPEAL OF AUTHORITY TO CONTRACT FOR CO-** 19 **OPERATIVE OR UNIT PLANS AFFECTING** 20 **NAVAL PETROLEUM RESERVE NUMBERED 1.**

21 (a) REPEAL.—Section 7426 of title 10, United States
 22 Code, is repealed.

1 (b) CONFORMING AND CLERICAL AMENDMENTS.—

2 (1) Section 7425 of such title is amended by strik-
3 ing “for—” and all that follows through “he may ac-
4 quire” and inserting “for exchanges of land or agreements
5 for conservation authorized by section 7424 of this title,
6 the Secretary may acquire”.

7 (2) Section 7428 of such title is amended by striking
8 “, except a plan authorized by section 7426 of this title,”.

9 (3) The table of sections at the beginning of chapter
10 641 of such title is amended by striking the item relating
11 to section 7426.

12 (c) SAVINGS PROVISION.—The repeal of section 7426
13 of title 10, United States Code, shall not affect the validity
14 of contracts that are in effect under such section on the
15 day before the date of the enactment of this Act. No such
16 contract may be extended or renewed on or after the date
17 of the enactment of this Act.

18 **SEC. 3403. DISPOSAL OF OIL SHALE RESERVE**
19 **NUMBERED 2.**

20 (a) TRANSFER TO INDIAN TRIBE.—Section 3405 of
21 the Strom Thurmond National Defense Authorization Act
22 for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law
23 105–261) is amended to read as follows:

1 **“SEC. 3405. DISPOSAL OF OIL SHALE RESERVE**
2 **NUMBERED 2.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) NOSR-2.—The term ‘NOSR-2’ means Oil
5 Shale Reserve Numbered 2, as identified on a map
6 on file in the Office of the Secretary of the Interior.

7 “(2) MOAB SITE.—The term ‘Moab site’ means
8 the Moab uranium milling site located approximately
9 three miles northwest of Moab, Utah, and identified
10 in the Final Environmental Impact Statement issued
11 by the Nuclear Regulatory Commission in March
12 1996 in conjunction with Source Materials License
13 No. SUA-917.

14 “(3) MAP.—The term “map” means the map
15 depicting the boundaries of NOSR-2, to be kept on
16 file and available for public inspection in the offices
17 of the Department of the Interior.

18 “(4) TRIBE.—The term ‘Tribe’ means the Ute
19 Indian Tribe of the Uintah and Ouray Indian Res-
20 ervation.

21 “(5) TRUSTEE.—The term ‘Trustee’ means the
22 Trustee of the Moab Mill Reclamation Trust.

23 “(b) CONVEYANCE.—(1) Except as provided in para-
24 graph (2) and subsection (e), all right, title, and interest
25 of the United States in and to all Federal lands within
26 the exterior boundaries of NOSR-2 (including surface and

1 mineral rights) are hereby conveyed to the Tribe in fee
2 simple. The Secretary of Energy shall execute and file in
3 the appropriate office a deed or other instrument effec-
4 tuating the conveyance made by this section.

5 “(2) The conveyance under paragraph (1) does not
6 include the following:

7 “(A) The portion of the bed of Green River
8 contained entirely within NOSR–2, as depicted on
9 the map.

10 “(B) The land (including surface and mineral
11 rights) to the west of the Green River within
12 NOSR–2, as depicted on the map.

13 “(C) A ¼ mile scenic easement on the east side
14 of the Green River within NOSR–2.

15 “(c) CONDITIONS ON CONVEYANCE.—(1) The con-
16 veyance under subsection (b) is subject to valid existing
17 rights in effect on the day before the date of the enactment
18 of the Floyd D. Spence National Defense Authorization
19 Act for Fiscal Year 2001.

20 “(2) On completion of the conveyance under sub-
21 section (b), the United States relinquishes all management
22 authority over the conveyed land, including tribal activities
23 conducted on the land.

1 “(3) The land conveyed to the Tribe under subsection
2 (b) shall not revert to the United States for management
3 in trust status.

4 “(4) The reservation of the easement under sub-
5 section (b)(2)(C) shall not affect the right of the Tribe
6 to use and maintain access to the Green River through
7 the use of the road within the easement, as depicted on
8 the map.

9 “(5) Each withdrawal that applies to NOSR–2 and
10 that is in effect on the date of the enactment of the Floyd
11 D. Spence National Defense Authorization Act for Fiscal
12 Year 2001 is revoked to the extent that the withdrawal
13 applies to NOSR–2.

14 “(6) Notwithstanding that the land conveyed to the
15 Tribe under subsection (b) shall not be part of the reserva-
16 tion of the Tribe, such land shall be deemed to be part
17 of the reservation of the Tribe for the purposes of criminal
18 and civil jurisdiction.

19 “(d) ADMINISTRATION OF UNCONVEYED LAND AND
20 INTERESTS IN LAND.—(1) The land and interests in land
21 excluded by subparagraphs (A) and (B) of subsection
22 (b)(2) from conveyance under subsection (b) shall be ad-
23 ministered by the Secretary of the Interior in accordance
24 with the Federal Land Policy and Management Act of
25 1976 (43 U.S.C. 1701 et seq.).

1 “(2) Not later than three years after the date of the
2 enactment of the Floyd D. Spence National Defense Au-
3 thorization Act for Fiscal Year 2001, the Secretary of the
4 Interior shall submit to Congress a land use plan for the
5 management of the land and interests in land referred to
6 in paragraph (1).

7 “(3) There are authorized to be appropriated to the
8 Secretary of the Interior such sums as are necessary to
9 carry out this subsection.

10 “(e) ROYALTY.—(1) Notwithstanding the conveyance
11 under subsection (b), the United States retains a nine per-
12 cent royalty interest in the value of any oil, gas, other hy-
13 drocarbons, and all other minerals that are produced,
14 saved, and sold from the conveyed land during the period
15 beginning on the date of the conveyance and ending on
16 the date the Secretary of Energy releases the royalty inter-
17 est under subsection (i).

18 “(2) The royalty payments shall be made by the Tribe
19 or its designee to the Secretary of Energy during the pe-
20 riod that the oil, gas, hydrocarbons, or minerals are being
21 produced, saved, sold, or extracted. The Secretary of En-
22 ergy shall retain and use the payments in the manner pro-
23 vided in subsection (i)(3).

1 “(3) The royalty interest retained by the United
2 States under this subsection does not include any develop-
3 ment, production, marketing, and operating expenses.

4 “(4) The Tribe shall submit to the Secretary of En-
5 ergy and to Congress an annual report on resource devel-
6 opment and other activities of the Tribe concerning the
7 conveyance under subsection (b).

8 “(5) Not later than five years after the date of the
9 enactment of the Floyd D. Spence National Defense Au-
10 thorization Act for Fiscal Year 2001, and every five years
11 thereafter, the Tribe shall obtain an audit of all resource
12 development activities of the Tribe concerning the convey-
13 ance under subsection (b), as provided under chapter 75
14 of title 31, United States Code. The results of each audit
15 under this paragraph shall be included in the next annual
16 report submitted under paragraph (4).

17 “(f) RIVER MANAGEMENT.—(1) The Tribe shall
18 manage, under Tribal jurisdiction and in accordance with
19 ordinances adopted by the Tribe, land of the Tribe that
20 is adjacent to, and within ¼ mile of, the Green River in
21 a manner that—

22 “(A) maintains the protected status of the land;
23 and

24 “(B) is consistent with the government-to-gov-
25 ernment agreement and in the memorandum of un-

1 understanding dated February 11, 2000, as agreed to
2 by the Tribe and the Secretary of the Interior.

3 “(2) An ordinance referred to in paragraph (1) shall
4 not impair, limit, or otherwise restrict the management
5 and use of any land that is not owned, controlled, or sub-
6 ject to the jurisdiction of the Tribe.

7 “(3) An ordinance adopted by the Tribe and ref-
8 erenced in the government-to-government agreement may
9 not be repealed or amended without the written approval
10 of both the Tribe and the Secretary of the Interior.

11 “(g) PLANT SPECIES.—(1) In accordance with a gov-
12 ernment-to-government agreement between the Tribe and
13 the Secretary of the Interior, in a manner consistent with
14 levels of legal protection in effect on the date of the enact-
15 ment of the Floyd D. Spence National Defense Authoriza-
16 tion Act for Fiscal Year 2001, the Tribe shall protect,
17 under ordinances adopted by the Tribe, any plant species
18 that is—

19 “(A) listed as an endangered species or threat-
20 ened species under section 4 of the Endangered Spe-
21 cies Act of 1973 (16 U.S.C. 1533); and

22 “(B) located or found on the NOSR–2 land
23 conveyed to the Tribe.

24 “(2) The protection described in paragraph (1) shall
25 be performed solely under tribal jurisdiction.

1 “(h) HORSES.—(1) The Tribe shall manage, protect,
2 and assert control over any horse not owned by the Tribe
3 or tribal members that is located or found on the NOSR—
4 2 land conveyed to the Tribe in a manner that is con-
5 sistent with Federal law governing the management, pro-
6 tection, and control of horses in effect on the date of the
7 enactment of the Floyd D. Spence National Defense Au-
8 thorization Act for Fiscal Year 2001.

9 “(2) The management, control, and protection of
10 horses described in paragraph (1) shall be performed
11 solely—

12 “(A) under tribal jurisdiction; and

13 “(B) in accordance with a government-to-gov-
14 ernment agreement between the Tribe and the Sec-
15 retary of the Interior.

16 “(i) REMEDIAL ACTION AT MOAB SITE.—(1)(A) The
17 Secretary of Energy shall prepare a plan for remediation,
18 including ground water restoration, of the Moab site in
19 accordance with title I of the Uranium Mill Tailings Radi-
20 ation Control Act of 1978 (42 U.S.C. 7911 et seq.). The
21 Secretary of Energy shall enter into arrangements with
22 the National Academy of Sciences to obtain the technical
23 advice, assistance, and recommendations of the National
24 Academy of Sciences in objectively evaluating the costs,
25 benefits, and risks associated with various remediation al-

1 alternatives, including removal or treatment of radioactive
2 or other hazardous materials at the site, ground water res-
3 toration, and long-term management of residual contami-
4 nants. If the Secretary prepares a remediation plan that
5 is not consistent with the recommendations of the Na-
6 tional Academy of Sciences, the Secretary shall submit to
7 Congress a report explaining the reasons for deviation
8 from the National Academy of Sciences' recommendations.

9 “(B) The remediation plan required by subparagraph
10 (A) shall be completed not later than one year after the
11 date of the enactment of the Floyd D. Spence National
12 Defense Authorization Act for Fiscal Year 2001, and the
13 Secretary of Energy shall commence remedial action at
14 the Moab site as soon as practicable after the completion
15 of the plan.

16 “(C) The license for the materials at the Moab site
17 issued by the Nuclear Regulatory Commission shall termi-
18 nate one year after the date of the enactment of the Floyd
19 D. Spence National Defense Authorization Act for Fiscal
20 Year 2001, unless the Secretary of Energy determines
21 that the license may be terminated earlier. Until the li-
22 cense is terminated, the Trustee, subject to the availability
23 of funds appropriated specifically for a purpose described
24 in clauses (i) through (iii) or made available by the Trust-

1 ee from the Moab Mill Reclamation Trust, may carry
2 out—

3 “(i) interim measures to reduce or eliminate lo-
4 calized high ammonia concentrations in the Colorado
5 River, identified by the United States Geological
6 Survey in a report dated March 27, 2000;

7 “(ii) activities to dewater the mill tailings at the
8 Moab site; and

9 “(iii) other activities related to the Moab site,
10 subject to the authority of the Nuclear Regulatory
11 Commission and in consultation with the Secretary
12 of Energy.

13 “(D) As part of the remediation plan for the Moab
14 site required by subparagraph (A), the Secretary of En-
15 ergy shall develop, in consultation with the Trustee, the
16 Nuclear Regulatory Commission, and the State of Utah,
17 an efficient and legal means for transferring all respon-
18 sibilities and title to the Moab site and all the materials
19 therein from the Trustee to the Department of Energy.

20 “(2) The Secretary of Energy shall limit the amounts
21 expended in carrying out the remedial action under para-
22 graph (1) to—

23 “(A) amounts specifically appropriated for the
24 remedial action in an appropriation Act; and

1 “(B) other amounts made available for the re-
2 medial action under this subsection.

3 “(3)(A) The royalty payments received by the Sec-
4 retary of Energy under subsection (e) shall be available
5 to the Secretary, without further appropriation, to carry
6 out the remedial action under paragraph (1) until such
7 time as the Secretary determines that all costs incurred
8 by the United States to carry out the remedial action
9 (other than costs associated with long-term monitoring)
10 have been paid.

11 “(B) Upon making the determination referred to in
12 subparagraph (A), the Secretary of Energy shall transfer
13 all remaining royalty amounts to the general fund of the
14 Treasury and release to the Tribe the royalty interest re-
15 tained by the United States under subsection (e).

16 “(4)(A) Funds made available to the Department of
17 Energy for national security activities shall not be used
18 to carry out the remedial action under paragraph (1), ex-
19 cept that the Secretary of Energy may use such funds for
20 program direction directly related to the remedial action.

21 “(B) There are authorized to be appropriated to the
22 Secretary of Energy to carry out the remedial action
23 under paragraph (1) such sums as are necessary.

24 “(5) If the Moab site is sold after the date on which
25 the Secretary of Energy completes the remedial action

1 under paragraph (1), the seller shall pay to the Secretary
2 of Energy, for deposit in the general fund of the Treasury,
3 the portion of the sale price that the Secretary determines
4 resulted from the enhancement of the value of the Moab
5 site as a result of the remedial action. The enhanced value
6 of the Moab site shall be equal to the difference between—

7 “(A) the fair market value of the Moab site on
8 the date of enactment of the Floyd D. Spence Na-
9 tional Defense Authorization Act for Fiscal Year
10 2001, based on information available on that date;
11 and

12 “(B) the fair market value of the Moab site, as
13 appraised on completion of the remedial action.”.

14 (b) URANIUM MILL TAILINGS.—Section 102 of the
15 Uranium Mill Tailings Radiation Control Act of 1978 (42
16 U.S.C. 7912) is amended by adding at the end the fol-
17 lowing new subsection:

18 “(f) DESIGNATION OF MOAB SITE AS PROCESSING
19 SITE.—

20 “(1) DESIGNATION.—Notwithstanding any
21 other provision of law, the Moab uranium milling
22 site (referred to in this subsection as the ‘Moab
23 site’) located approximately three miles northwest of
24 Moab, Utah, and identified in the Final Environ-
25 mental Impact Statement issued by the Nuclear

1 Regulatory Commission in March 1996 in conjunc-
2 tion with Source Materials License No. SUA-917, is
3 designated as a processing site.

4 “(2) APPLICABILITY.—This title applies to the
5 Moab site in the same manner and to the same ex-
6 tent as to other processing sites designated under
7 subsection (a), except that—

8 “(A) sections 103, 104(b), 107(a), 112(a),
9 and 115(a) of this title shall not apply; and

10 “(B) a reference in this title to the date of
11 the enactment of this Act shall be treated as a
12 reference to the date of the enactment of this
13 subsection.

14 “(3) REMEDIATION.—Subject to the availability
15 of appropriations for this purpose, the Secretary
16 shall conduct remediation at the Moab site in a safe
17 and environmentally sound manner that takes into
18 consideration the remedial action plan prepared pur-
19 suant to section 3405(i) of the Strom Thurmond
20 National Defense Authorization Act for Fiscal Year
21 1999 (10 U.S.C. 7420 note; Public Law 105-261),
22 including—

23 “(A) ground water restoration; and

24 “(B) the removal, to a site in the State of
25 Utah, for permanent disposition and any nec-

1 essary stabilization, of residual radioactive ma-
 2 terial and other contaminated material from the
 3 Moab site and the floodplain of the Colorado
 4 River.”.

5 (c) CONFORMING AMENDMENT.—Section 3406 of the
 6 Strom Thurmond National Defense Authorization Act for
 7 Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–
 8 261) is amended by adding at the end the following new
 9 subsection:

10 “(f) OIL SHALE RESERVE NUMBERED 2.—This sec-
 11 tion does not apply to the transfer of Oil Shale Reserve
 12 Numbered 2 under section 3405.”.

13 **TITLE XXXV—MARITIME** 14 **ADMINISTRATION**

Sec. 3501. Authorization of appropriations for fiscal year 2001.

Sec. 3502. Scrapping of National Defense Reserve Fleet vessels.

Sec. 3503. Authority to convey National Defense Reserve Fleet vessel, GLA-
 CIER.

Sec. 3504. Maritime intermodal research.

Sec. 3505. Maritime research and technology development.

Sec. 3506. Reporting of administered and oversight funds.

15 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-** 16 **CAL YEAR 2001.**

17 Funds are hereby authorized to be appropriated for
 18 fiscal year 2001, to be available without fiscal year limita-
 19 tion if so provided in appropriations Acts, for the use of
 20 the Department of Transportation for the Maritime Ad-
 21 ministration as follows:

1 (1) For expenses necessary for operations and
2 training activities, \$94,260,000.

3 (2) For expenses under the loan guarantee pro-
4 gram authorized by title XI of the Merchant Marine
5 Act, 1936 (46 App. U.S.C. 1271 et seq.),
6 \$54,179,000, of which—

7 (A) \$50,000,000 is for the cost (as defined
8 in section 502(5) of the Federal Credit Reform
9 Act of 1990 (2 U.S.C. 661a(5))) of loan guar-
10 antees under the program; and

11 (B) \$4,179,000 is for administrative ex-
12 penses related to loan guarantee commitments
13 under the program.

14 **SEC. 3502. SCRAPPING OF NATIONAL DEFENSE RESERVE**
15 **FLEET VESSELS.**

16 (a) EXTENSION OF SCRAPPING AUTHORITY UNDER
17 NATIONAL MARITIME HERITAGE ACT OF 1994.—Section
18 6(c)(1) of the National Maritime Heritage Act of 1994
19 (16 U.S.C. 5405(c)(1)) is amended—

20 (1) in subparagraph (A) by striking “2001”
21 and inserting “2006”; and

22 (2) by striking subparagraph (B) and inserting
23 the following:

24 “(B) in the manner that provides the best
25 value to the Government, except in any case in

1 which obtaining the best value would require
2 towing a vessel and such towing poses a serious
3 threat to the environment; and”.

4 (b) SELECTION OF SCRAPPING FACILITIES.—The
5 Secretary of Transportation may scrap obsolete vessels
6 pursuant to section 6(c)(1) of the National Maritime Her-
7 itage Act of 1994 (16 U.S.C. 5405(c)(1)) through quali-
8 fied scrapping facilities, using the most expeditious scrap-
9 ping methodology and location practicable. Scrapping fa-
10 cilities shall be selected under that section on a best value
11 basis consistent with the Federal Acquisition Regulation,
12 as in effect on the date of the enactment of this Act, with-
13 out any predisposition toward foreign or domestic facilities
14 taking into consideration, among other things, the ability
15 of facilities to scrap vessels—

16 (1) at least cost to the Government;

17 (2) in a timely manner;

18 (3) giving consideration to worker safety and
19 the environment; and

20 (4) in a manner that minimizes the geographic
21 distance that a vessel must be towed when towing a
22 vessel poses a serious threat to the environment.

23 (c) LIMITATION ON SCRAPPING BEFORE PRO-
24 GRAM.—

1 (1) IN GENERAL.—Until the report required by
2 subsection (d)(1) is transmitted to the congressional
3 committees referred to in that subsection, the Sec-
4 retary may not proceed with the scrapping of any
5 vessel in the National Defense Reserve Fleet except
6 the following:

7 (A) DONNER.

8 (B) EXPORT COMMERCE.

9 (C) BUILDER.

10 (D) ALBERT E. WATTS.

11 (E) WAYNE VICTORY.

12 (F) MORMACDAWN.

13 (G) MORMACMOON.

14 (H) SANTA ELENA.

15 (I) SANTA ISABEL.

16 (J) SANTA CRUZ.

17 (K) PROTECTOR.

18 (L) LAUDERDALE.

19 (N) PVT. FRED C. MURPHY.

20 (M) BEAUJOLAIS.

21 (O) MEACHAM.

22 (P) NEACO.

23 (Q) WABASH.

24 (R) NEMASKET.

25 (S) MIRFAK.

1 (T) GEN. ALEX M. PATCH.
2 (U) ARTHUR M. HUDDALL.
3 (V) WASHINGTON.
4 (W) SUFFOLK COUNTY.
5 (X) CRANDALL.
6 (Y) CRILLEY.
7 (Z) RIGEL.
8 (AA) VEGA.
9 (BB) COMPASS ISLAND.
10 (CC) EXPORT CHALLENGER.
11 (DD) PRESERVER.
12 (EE) MARINE FIDDLER.
13 (FF) WOOD COUNTY.
14 (GG) CATAWBA VICTORY.
15 (HH) GEN. NELSON M. WALKER.
16 (II) LORAIN COUNTY.
17 (JJ) LYNCH.
18 (KK) MISSION SANTA YNEZ.
19 (LL) CALOOSAHATCHEE.
20 (MM) CANISTEO.

21 (2) PRIORITIZATION.—The Secretary shall exer-
22 cise discretion to prioritize for scrapping those ves-
23 sels identified in paragraph (1) that pose the most
24 immediate threat to the environment.

1 (d) SCRAPPING PROGRAM FOR OBSOLETE NATIONAL
2 DEFENSE RESERVE FLEET VESSELS.—

3 (1) DEVELOPMENT OF PROGRAM; REPORT.—

4 The Secretary of Transportation, in consultation
5 with the Secretary of the Navy and the Adminis-
6 trator of the Environmental Protection Agency, shall
7 within 6 months after the date of the enactment of
8 this Act—

9 (A) develop a program for the scrapping of
10 obsolete National Defense Reserve Fleet vessels;
11 and

12 (B) submit a report on the program to the
13 Committee on Transportation and Infrastruc-
14 ture and the Committee on Resources of the
15 House of Representatives, the Committee on
16 Commerce, Science, and Transportation of the
17 Senate, and the Committees on Armed Services
18 of the House of Representatives and the Sen-
19 ate.

20 (2) CONTENTS OF REPORT.—The report shall
21 include information concerning the initial determina-
22 tion of scrapping capacity, both domestically and
23 abroad, appropriate proposed regulations to imple-
24 ment the program, funding and staffing require-
25 ments, milestone dates for the disposal of each obso-

1 lete vessel, and longterm cost estimates for the pro-
2 gram.

3 (3) ALTERNATIVES.—In developing the pro-
4 gram, the Secretary of Transportation, in consulta-
5 tion with the Secretary of the Navy and the Admin-
6 istrator of the Environmental Protection Agency,
7 shall consider all alternatives and available informa-
8 tion, including—

9 (A) alternative scrapping sites;

10 (B) vessel donations;

11 (C) sinking of vessels in deep water;

12 (D) sinking vessels for development of arti-
13 ficial reefs;

14 (E) sales of vessels before they become ob-
15 solete;

16 (F) results from the Navy Ship Disposal
17 Program under section 8124 of the Department
18 of Defense Appropriations Act, 1999; and

19 (G) the Report of the Department of De-
20 fense's Interagency Panel on Ship Scrapping
21 issued in April 1998.

22 (e) REPORT.—Not later than 1 year after the date
23 of the enactment of this Act, and every 6 months there-
24 after, the Secretary of Transportation, in coordination
25 with the Secretary of the Navy, shall report to the Com-

1 mittee on Transportation and Infrastructure and the
 2 Committee on Resources of the House of Representatives,
 3 the Committee on Commerce, Science, and Transportation
 4 of the Senate, and the Committees on Armed Services of
 5 the House of Representatives and the Senate on the
 6 progress of the vessel scrapping program developed under
 7 subsection (d)(1) and on the progress of any other scrap-
 8 ping of obsolete Government-owned vessels.

9 (f) PRESIDENTIAL RECOMMENDATION.—The Presi-
 10 dent shall transmit with the report required by subsection
 11 (d)(1) a recommendation on—

12 (1) whether it is necessary to amend the Toxic
 13 Substances Control Act (15 U.S.C. 2601 et seq.) or
 14 any other environmental statute or regulatory re-
 15 quirements relevant to the disposal of vessels de-
 16 scribed in section 6(c)(2) of the National Maritime
 17 Heritage Act of 1994 (16 U.S.C. 5405(c)(2)) by
 18 September 30, 2006; and

19 (2) any proposed changes to those requirements
 20 to carry out such disposals.

21 **SEC. 3503. AUTHORITY TO CONVEY NATIONAL DEFENSE RE-**
 22 **SERVE FLEET VESSEL, GLACIER.**

23 (a) AUTHORITY TO CONVEY.—The Secretary of
 24 Transportation (in this section referred to as “the Sec-
 25 retary”) may, subject to subsection (b), convey all right,

1 title, and interest of the United States Government in and
2 to the vessel in the National Defense Reserve Fleet that
3 was formerly the U.S.S. GLACIER (United States official
4 number AGB-4) to the Glacier Society, Inc., a corporation
5 established under the laws of the State of Connecticut that
6 is located in Bridgeport, Connecticut (in this section re-
7 ferred to as the “recipient”).

8 (b) TERMS OF CONVEYANCE.—

9 (1) REQUIRED CONDITIONS.—The Secretary
10 may not convey a vessel under this section unless
11 the recipient—

12 (A) agrees to use the vessel for the pur-
13 pose of a monument to the accomplishments of
14 members of the Armed Forces of the United
15 States, civilians, scientists, and diplomats in ex-
16 ploration of the Arctic and the Antarctic;

17 (B) agrees that the vessel will not be used
18 for commercial purposes;

19 (C) agrees to make the vessel available to
20 the Government if the Secretary requires use of
21 the vessel by the Government for war or na-
22 tional emergency;

23 (D) agrees to hold the Government harm-
24 less for any claims arising from exposure to as-
25 bestos, polychlorinated biphenyls, or lead paint

1 after the conveyance of the vessel, except for
2 claims arising from use of the vessel by the
3 Government pursuant to the agreement under
4 subparagraph (C); and

5 (E) provides sufficient evidence to the Sec-
6 retary that it has available for use to restore
7 the vessel, in the form of cash, liquid assets, or
8 a written loan commitment, financial resources
9 of at least \$100,000.

10 (2) DELIVERY OF VESSEL.—If the Secretary
11 conveys the vessel under this section, the Secretary
12 shall deliver the vessel—

13 (A) at the place where the vessel is located
14 on the date of conveyance;

15 (B) in its condition on that date; and

16 (C) at no cost to the United States Gov-
17 ernment.

18 (3) ADDITIONAL TERMS.—The Secretary may
19 require such additional terms in connection with the
20 conveyance authorized by this section as the Sec-
21 retary considers appropriate.

22 (c) OTHER UNNEEDED EQUIPMENT.—If the Sec-
23 retary conveys the vessel under this section, the Secretary
24 may also convey to the recipient any unneeded equipment
25 from other vessels in the National Defense Reserve Fleet

1 or Government storage facilities for use to restore the ves-
2 sel to museum quality or to its original configuration (or
3 both).

4 (d) RETENTION OF VESSEL IN NDRF.—The Sec-
5 retary shall retain in the National Defense Reserve Fleet
6 the vessel authorized to be conveyed under this section
7 until the earlier of—

8 (1) 2 years after the date of the enactment of
9 this Act; or

10 (2) the date of the conveyance of the vessel
11 under this section.

12 **SEC. 3504. MARITIME INTERMODAL RESEARCH.**

13 Section 8 of Public Law 101–115 (46 U.S.C. App.
14 1121–2) is amended by adding at the end thereof the fol-
15 lowing:

16 “(f) UNIVERSITY TRANSPORTATION RESEARCH
17 FUNDS.—

18 “(1) IN GENERAL.—The Secretary may make a
19 grant under section 5505 of title 49, United States
20 Code, to an institute designated under subsection (a)
21 for maritime and maritime intermodal research
22 under that section as if the institute were a univer-
23 sity transportation center.

24 “(2) ADVICE AND CONSULTATION OF MARAD.—

25 In making a grant under the authority of paragraph

1 (1), the Secretary, through the Research and Special
2 Programs Administration, shall advise the Maritime
3 Administration concerning the availability of funds
4 for the grants, and consult with the Administration
5 on the making of the grants.”.

6 **SEC. 3505. MARITIME RESEARCH AND TECHNOLOGY DE-**
7 **VELOPMENT.**

8 (a) IN GENERAL.—The Secretary of Transportation
9 shall conduct a study of maritime research and technology
10 development, and report its findings and conclusions, to-
11 gether with any recommendations it finds appropriate, to
12 the Congress within 9 months after the date of enactment
13 of this Act.

14 (b) REQUIRED AREAS OF STUDY.—The Secretary
15 shall include the following items in the report required by
16 subsection (a):

17 (1) The approximate dollar values appropriated
18 by the Congress for each of the 5 fiscal years ending
19 before the study is commenced for each of the fol-
20 lowing modes of transportation:

21 (A) Highway.

22 (B) Rail.

23 (C) Aviation.

24 (D) Public transit.

25 (E) Maritime.

1 (2) A description of how Federal funds appro-
2 priated for research in the different transportation
3 modes are utilized.

4 (3) A summary and description of current re-
5 search and technology development funds appro-
6 priated for each of those fiscal years for maritime
7 research initiatives, with separate categories for
8 funds provided to the Coast Guard for marine safety
9 research purposes.

10 (4) A description of cooperative mechanisms
11 that could be used to attract and leverage non-fed-
12 eral investments in United States maritime research
13 and technology development and application pro-
14 grams, including the potential for the creation of
15 maritime transportation research centers and the
16 benefits of cooperating with existing surface trans-
17 portation research centers.

18 (5) Proposals for research and technology devel-
19 opment funding to facilitate the evolution of Mari-
20 time Transportation System.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
22 amounts authorized to be appropriated under section 3401
23 for operations and training, \$100,000 is authorized to
24 carry out this section.

1 **SEC. 3506. REPORTING OF ADMINISTERED AND OVERSIGHT**
 2 **FUNDS.**

3 The Maritime Administration, in its annual report to
 4 the Congress under section 208 of the Merchant Marine
 5 Act, 1936 (46 U.S.C. App. 1118), and in its annual budg-
 6 et estimate submitted to the Congress, shall state sepa-
 7 rately the amount, source, intended use, and nature of any
 8 funds (other than funds appropriated to the Administra-
 9 tion or to the Secretary of Transportation for use by the
 10 Administration) administered, or subject to oversight, by
 11 the Administration.

12 **TITLE XXXVI—ENERGY EMPLOY-**
 13 **EES OCCUPATIONAL ILLNESS**
 14 **COMPENSATION PROGRAM**

Sec. 3601. Short title.

Sec. 3602. Findings; sense of Congress.

**Subtitle A—Establishment of Compensation Program and
 Compensation Fund**

Sec. 3611. Establishment of Energy Employees Occupational Illness Compensa-
 tion Program.

Sec. 3612. Establishment of Energy Employees Occupational Illness Compensa-
 tion Fund.

Sec. 3613. Legislative proposal.

Sec. 3614. Authorization of appropriations.

Subtitle B—Program Administration

Sec. 3621. Definitions for program administration.

Sec. 3622. Expansion of list of beryllium vendors.

Sec. 3623. Exposure in the performance of duty.

Sec. 3624. Advisory Board on Radiation and Worker Health.

Sec. 3625. Responsibilities of Secretary of Health and Human Services.

Sec. 3626. Designation of additional members of Special Exposure Cohort.

Sec. 3627. Separate treatment of chronic silicosis.

Sec. 3628. Compensation and benefits to be provided.

Sec. 3629. Medical benefits.

Sec. 3630. Separate treatment of certain uranium employees.

Sec. 3631. Assistance for claimants and potential claimants.

**Subtitle C—Treatment, Coordination, and Forfeiture of
Compensation and Benefits**

- Sec. 3641. Offset for certain payments.
- Sec. 3642. Subrogation of the United States.
- Sec. 3643. Payment in full settlement of claims.
- Sec. 3644. Exclusivity of remedy against the United States and against contractors and subcontractors.
- Sec. 3645. Election of remedy for beryllium employees and atomic weapons employees.
- Sec. 3646. Certification of treatment of payments under other laws.
- Sec. 3647. Claims not assignable or transferable; choice of remedies.
- Sec. 3648. Attorney fees.
- Sec. 3649. Certain claims not affected by awards of damages.
- Sec. 3650. Forfeiture of benefits by convicted felons.
- Sec. 3651. Coordination with other Federal radiation compensation laws.

**Subtitle D—Assistance in State Workers’ Compensation
Proceedings**

- Sec. 3661. Agreements with States.

1 SEC. 3601. SHORT TITLE.

2 This title may be cited as the “Energy Employees
3 Occupational Illness Compensation Program Act of
4 2000”.

5 SEC. 3602. FINDINGS; SENSE OF CONGRESS.

6 (a) FINDINGS.—The Congress finds the following:

7 (1) Since World War II, Federal nuclear activi-
8 ties have been explicitly recognized under Federal
9 law as activities that are ultra-hazardous. Nuclear
10 weapons production and testing have involved unique
11 dangers, including potential catastrophic nuclear ac-
12 cidents that private insurance carriers have not cov-
13 ered and recurring exposures to radioactive sub-
14 stances and beryllium that, even in small amounts,
15 can cause medical harm.

1 (2) Since the inception of the nuclear weapons
2 program and for several decades afterwards, a large
3 number of nuclear weapons workers at sites of the
4 Department of Energy and at sites of vendors who
5 supplied the Cold War effort were put at risk with-
6 out their knowledge and consent for reasons that,
7 documents reveal, were driven by fears of adverse
8 publicity, liability, and employee demands for haz-
9 ardous duty pay.

10 (3) Many previously secret records have docu-
11 mented unmonitored exposures to radiation and be-
12 ryllium and continuing problems at these sites
13 across the Nation, at which the Department of En-
14 ergy and its predecessor agencies have been, since
15 World War II, self-regulating with respect to nuclear
16 safety and occupational safety and health. No other
17 hazardous Federal activity has been permitted to be
18 carried out under such sweeping powers of self-regu-
19 lation.

20 (4) The policy of the Department of Energy has
21 been to litigate occupational illness claims, which has
22 deterred workers from filing workers' compensation
23 claims and has imposed major financial burdens for
24 such employees who have sought compensation. Con-
25 tractors of the Department have been held harmless

1 and the employees have been denied workers' com-
2 pensation coverage for occupational disease.

3 (5) Over the past 20 years, more than two
4 dozen scientific findings have emerged that indicate
5 that certain of such employees are experiencing in-
6 creased risks of dying from cancer and non-malig-
7 nant diseases. Several of these studies have also es-
8 tablished a correlation between excess diseases and
9 exposure to radiation and beryllium.

10 (6) While linking exposure to occupational haz-
11 ards with the development of occupational disease is
12 sometimes difficult, scientific evidence supports the
13 conclusion that occupational exposure to dust par-
14 ticles or vapor of beryllium can cause beryllium sen-
15 sitivity and chronic beryllium disease. Furthermore,
16 studies indicate that 98 percent of radiation-induced
17 cancers within the nuclear weapons complex have oc-
18 curred at dose levels below existing maximum safe
19 thresholds.

20 (7) Existing information indicates that State
21 workers' compensation programs do not provide a
22 uniform means of ensuring adequate compensation
23 for the types of occupational illnesses and diseases
24 that relate to the employees at those sites.

1 (8) To ensure fairness and equity, the civilian
2 men and women who, over the past 50 years, have
3 performed duties uniquely related to the nuclear
4 weapons production and testing programs of the De-
5 partment of Energy and its predecessor agencies
6 should have efficient, uniform, and adequate com-
7 pensation for beryllium-related health conditions and
8 radiation-related health conditions.

9 (9) On April 12, 2000, the Secretary of Energy
10 announced that the Administration intended to seek
11 compensation for individuals with a broad range of
12 work-related illnesses throughout the Department of
13 Energy's nuclear weapons complex.

14 (10) However, as of October 2, 2000, the Ad-
15 ministration has failed to provide Congress with the
16 necessary legislative and budget proposals to enact
17 the promised compensation program.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) a program should be established to provide
21 compensation to covered employees;

22 (2) a fund for payment of such compensation
23 should be established on the books of the Treasury;

24 (3) payments from that fund should be made
25 only after—

1 (A) the identification of employees of the
2 Department of Energy (including its prede-
3 cessor agencies), and of contractors of the De-
4 partment, who may be members of the group of
5 covered employees;

6 (B) the establishment of a process to re-
7 ceive and administer claims for compensation
8 for disability or death of covered employees;

9 (C) the submittal by the President of a
10 legislative proposal for compensation of such
11 employees that includes the estimated annual
12 budget resources for that compensation; and

13 (D) consideration by the Congress of the
14 legislative proposal submitted by the President;
15 and

16 (4) payments from that fund should commence
17 not later than fiscal year 2002.

18 **Subtitle A—Establishment of Com-**
19 **ensation Program and Com-**
20 **ensation Fund**

21 **SEC. 3611. ESTABLISHMENT OF ENERGY EMPLOYEES OCCU-**
22 **PATIONAL ILLNESS COMPENSATION PRO-**
23 **GRAM.**

24 (a) PROGRAM ESTABLISHED.—There is hereby estab-
25 lished a program to be known as the “Energy Employees

1 Occupational Illness Compensation Program” (in this title
2 referred to as the “compensation program”). The Presi-
3 dent shall carry out the compensation program through
4 one or more Federal agencies or officials, as designated
5 by the President.

6 (b) PURPOSE OF PROGRAM.—The purpose of the
7 compensation program is to provide for timely, uniform,
8 and adequate compensation of covered employees and,
9 where applicable, survivors of such employees, suffering
10 from illnesses incurred by such employees in the perform-
11 ance of duty for the Department of Energy and certain
12 of its contractors and subcontractors.

13 (c) ELIGIBILITY FOR COMPENSATION.—The eligi-
14 bility of covered employees for compensation under the
15 compensation program shall be determined in accordance
16 with the provisions of subtitle B as may be modified by
17 a law enacted after the date of the submittal of the pro-
18 posal for legislation required by section 3613.

19 **SEC. 3612. ESTABLISHMENT OF ENERGY EMPLOYEES OCCU-**
20 **PATIONAL ILLNESS COMPENSATION FUND.**

21 (a) ESTABLISHMENT.—There is hereby established
22 on the books of the Treasury a fund to be known as the
23 “Energy Employees Occupational Illness Compensation
24 Fund” (in this title referred to as the “compensation
25 fund”).

1 (b) AMOUNTS IN COMPENSATION FUND.—The com-
2 pensation fund shall consist of the following amounts:

3 (1) Amounts appropriated to the compensation
4 fund pursuant to the authorization of appropriations
5 in section 3614(b).

6 (2) Amounts transferred to the compensation
7 fund under subsection (c).

8 (c) FINANCING OF COMPENSATION FUND.—Upon
9 the exhaustion of amounts in the compensation fund at-
10 tributable to the authorization of appropriations in section
11 3614(b), the Secretary of the Treasury shall transfer di-
12 rectly to the compensation fund from the General Fund
13 of the Treasury, without further appropriation, such
14 amounts as are further necessary to carry out the com-
15 pensation program.

16 (d) USE OF COMPENSATION FUND.—Subject to sub-
17 section (e), amounts in the compensation fund shall be
18 used to carry out the compensation program.

19 (e) ADMINISTRATIVE COSTS NOT PAID FROM COM-
20 PENSATION FUND.—No cost incurred in carrying out the
21 compensation program, or in administering the compensa-
22 tion fund, shall be paid from the compensation fund or
23 set off against or otherwise deducted from any payment
24 to any individual under the compensation program.

1 (f) INVESTMENT OF AMOUNTS IN COMPENSATION
2 FUND.—Amounts in the compensation fund shall be in-
3 vested in accordance with section 9702 of title 31, United
4 States Code, and any interest on, and proceeds from, any
5 such investment shall be credited to and become a part
6 of the compensation fund.

7 **SEC. 3613. LEGISLATIVE PROPOSAL.**

8 (a) LEGISLATIVE PROPOSAL REQUIRED.—Not later
9 than March 15, 2001, the President shall submit to Con-
10 gress a proposal for legislation to implement the com-
11 pensation program. The proposal for legislation shall in-
12 clude, at a minimum, the specific recommendations (in-
13 cluding draft legislation) of the President for the fol-
14 lowing:

15 (1) The types of compensation and benefits, in-
16 cluding lost wages, medical benefits, and any lump-
17 sum settlement payments, to be provided under the
18 compensation program.

19 (2) Any adjustments or modifications necessary
20 to appropriately administer the compensation pro-
21 gram under subtitle B.

22 (3) Whether to expand the compensation pro-
23 gram to include other illnesses associated with expo-
24 sure to toxic substances.

1 (4) Whether to expand the class of individuals
2 who are members of the Special Exposure Cohort
3 (as defined in section 3621(14)).

4 (b) ASSESSMENT OF POTENTIAL COVERED EMPLOY-
5 EES AND REQUIRED AMOUNTS.—The President shall in-
6 clude with the proposal for legislation under subsection (a)
7 the following:

8 (1) An estimate of the number of covered em-
9 ployees that the President determines were exposed
10 in the performance of duty.

11 (2) An estimate, for each fiscal year of the com-
12 pensation program, of the amounts to be required
13 for compensation and benefits anticipated to be pro-
14 vided in such fiscal year under the compensation
15 program.

16 **SEC. 3614. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—Pursuant to the authorization of
18 appropriations in section 3103(a), \$25,000,000 may be
19 used for purposes of carrying out this title.

20 (b) COMPENSATION FUND.—There is hereby author-
21 ized to be appropriated \$250,000,000 to the Energy Em-
22 ployees Occupational Illness Compensation Fund estab-
23 lished by section 3612.

Subtitle B—Program Administration

SEC. 3621. DEFINITIONS FOR PROGRAM ADMINISTRATION.

In this title:

(1) The term “covered employee” means any of the following:

(A) A covered beryllium employee.

(B) A covered employee with cancer.

(C) To the extent provided in section 3627, a covered employee with chronic silicosis (as defined in that section).

(2) The term “atomic weapon” has the meaning given that term in section 11 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d)).

(3) The term “atomic weapons employee” means an individual employed by an atomic weapons employer during a period when the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling.

(4) The term “atomic weapons employer” means an entity, other than the United States, that—

1 (A) processed or produced, for use by the
2 United States, material that emitted radiation
3 and was used in the production of an atomic
4 weapon, excluding uranium mining and milling;
5 and

6 (B) is designated by the Secretary of En-
7 ergy as an atomic weapons employer for pur-
8 poses of the compensation program.

9 (5) The term “atomic weapons employer facil-
10 ity” means a facility, owned by an atomic weapons
11 employer, that is or was used to process or produce,
12 for use by the United States, material that emitted
13 radiation and was used in the production of an
14 atomic weapon, excluding uranium mining or mill-
15 ing.

16 (6) The term “beryllium vendor” means any of
17 the following:

18 (A) Atomics International.

19 (B) Brush Wellman, Incorporated, and its
20 predecessor, Brush Beryllium Company.

21 (C) General Atomics.

22 (D) General Electric Company.

23 (E) NGK Metals Corporation and its pred-
24 ecessors, Kawecki-Berylco, Cabot Corporation,

1 BerylCo, and Beryllium Corporation of Amer-
2 ica.

3 (F) Nuclear Materials and Equipment Cor-
4 poration.

5 (G) StarMet Corporation and its prede-
6 cessor, Nuclear Metals, Incorporated.

7 (H) Wyman Gordan, Incorporated.

8 (I) Any other vendor, processor, or pro-
9 ducer of beryllium or related products des-
10 igned as a beryllium vendor for purposes of
11 the compensation program under section 3622.

12 (7) The term “covered beryllium employee”
13 means the following, if and only if the employee is
14 determined to have been exposed to beryllium in the
15 performance of duty in accordance with section
16 3623(a):

17 (A) A current or former employee (as that
18 term is defined in section 8101(1) of title 5,
19 United States Code) who may have been ex-
20 posed to beryllium at a Department of Energy
21 facility or at a facility owned, operated, or occu-
22 pied by a beryllium vendor.

23 (B) A current or former employee of—

24 (i) any entity that contracted with the
25 Department of Energy to provide manage-

1 ment and operation, management and inte-
2 gration, or environmental remediation of a
3 Department of Energy facility; or

4 (ii) any contractor or subcontractor
5 that provided services, including construc-
6 tion and maintenance, at such a facility.

7 (C) A current or former employee of a be-
8 ryllium vendor, or of a contractor or subcon-
9 tractor of a beryllium vendor, during a period
10 when the vendor was engaged in activities re-
11 lated to the production or processing of beryl-
12 lium for sale to, or use by, the Department of
13 Energy.

14 (8) The term “covered beryllium illness” means
15 any of the following:

16 (A) Beryllium sensitivity as established by
17 an abnormal beryllium lymphocyte proliferation
18 test performed on either blood or lung lavage
19 cells.

20 (B) Established chronic beryllium disease.

21 (C) Any injury, illness, impairment, or dis-
22 ability sustained as a consequence of a covered
23 beryllium illness referred to in subparagraph
24 (A) or (B).

1 (9) The term “covered employee with cancer”
2 means any of the following:

3 (A) An individual with a specified cancer
4 who is a member of the Special Exposure Co-
5 hort, if and only if that individual contracted
6 that specified cancer after beginning employ-
7 ment at a Department of Energy facility (in the
8 case of a Department of Energy employee or
9 Department of Energy contractor employee) or
10 at an atomic weapons employer facility (in the
11 case of an atomic weapons employee).

12 (B)(i) An individual with cancer specified
13 in subclause (I), (II), or (III) of clause (ii), if
14 and only if that individual is determined to have
15 sustained that cancer in the performance of
16 duty in accordance with section 3623(b).

17 (ii) Clause (i) applies to any of the fol-
18 lowing:

19 (I) A Department of Energy employee
20 who contracted that cancer after beginning
21 employment at a Department of Energy
22 facility.

23 (II) A Department of Energy con-
24 tractor employee who contracted that can-

cer after beginning employment at a Department of Energy facility.

(III) An atomic weapons employee who contracted that cancer after beginning employment at an atomic weapons employer facility.

(10) The term “Department of Energy” includes the predecessor agencies of the Department of Energy, including the Manhattan Engineering District.

(11) The term “Department of Energy contractor employee” means any of the following:

(A) An individual who is or was in residence at a Department of Energy facility as a researcher for one or more periods aggregating at least 24 months.

(B) An individual who is or was employed at a Department of Energy facility by—

(i) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; or

1 (ii) a contractor or subcontractor that
2 provided services, including construction
3 and maintenance, at the facility.

4 (12) The term “Department of Energy facility”
5 means any building, structure, or premise, including
6 the grounds upon which such building, structure, or
7 premise is located—

8 (A) in which operations are, or have been,
9 conducted by, or on behalf of, the Department
10 of Energy (except for buildings, structures,
11 premises, grounds, or operations covered by Ex-
12 ecutive Order No. 12344, dated February 1,
13 1982 (42 U.S.C. 7158 note), pertaining to the
14 Naval Nuclear Propulsion Program); and

15 (B) with regard to which the Department
16 of Energy has or had—

17 (i) a proprietary interest; or

18 (ii) entered into a contract with an
19 entity to provide management and oper-
20 ation, management and integration, envi-
21 ronmental remediation services, construc-
22 tion, or maintenance services.

23 (13) The term “established chronic beryllium
24 disease” means chronic beryllium disease as estab-
25 lished by the following:

1 (A) For diagnoses on or after January 1,
2 1993, beryllium sensitivity (as established in ac-
3 cordance with paragraph (8)(A)), together with
4 lung pathology consistent with chronic beryl-
5 lium disease, including—

6 (i) a lung biopsy showing granulomas
7 or a lymphocytic process consistent with
8 chronic beryllium disease;

9 (ii) a computerized axial tomography
10 scan showing changes consistent with
11 chronic beryllium disease; or

12 (iii) pulmonary function or exercise
13 testing showing pulmonary deficits con-
14 sistent with chronic beryllium disease.

15 (B) For diagnoses before January 1, 1993,
16 the presence of—

17 (i) occupational or environmental his-
18 tory, or epidemiologic evidence of beryllium
19 exposure; and

20 (ii) any three of the following criteria:

21 (I) Characteristic chest radio-
22 graphic (or computed tomography
23 (CT)) abnormalities.

1 (II) Restrictive or obstructive
2 lung physiology testing or diffusing
3 lung capacity defect.

4 (III) Lung pathology consistent
5 with chronic beryllium disease.

6 (IV) Clinical course consistent
7 with a chronic respiratory disorder.

8 (V) Immunologic tests showing
9 beryllium sensitivity (skin patch test
10 or beryllium blood test preferred).

11 (14) The term “member of the Special Expo-
12 sure Cohort” means a Department of Energy em-
13 ployee, Department of Energy contractor employee,
14 or atomic weapons employee who meets any of the
15 following requirements:

16 (A) The employee was so employed for a
17 number of work days aggregating at least 250
18 work days before February 1, 1992, at a gas-
19 eous diffusion plant located in Paducah, Ken-
20 tucky, Portsmouth, Ohio, or Oak Ridge, Ten-
21 nessee, and, during such employment—

22 (i) was monitored through the use of
23 dosimetry badges for exposure at the plant
24 of the external parts of employee’s body to
25 radiation; or

1 (ii) worked in a job that had expo-
2 sures comparable to a job that is or was
3 monitored through the use of dosimetry
4 badges.

5 (B) The employee was so employed before
6 January 1, 1974, by the Department of Energy
7 or a Department of Energy contractor or sub-
8 contractor on Amchitka Island, Alaska, and was
9 exposed to ionizing radiation in the perform-
10 ance of duty related to the Long Shot, Milrow,
11 or Cannikin underground nuclear tests.

12 (C)(i) Subject to clause (ii), the employee
13 is an individual designated as a member of the
14 Special Exposure Cohort by the President for
15 purposes of the compensation program under
16 section 3626.

17 (ii) A designation under clause (i) shall,
18 unless Congress otherwise provides, take effect
19 on the date that is 180 days after the date on
20 which the President submits to Congress a re-
21 port identifying the individuals covered by the
22 designation and describing the criteria used in
23 designating those individuals.

24 (15) The term “occupational illness” means a
25 covered beryllium illness, cancer referred to in sec-

1 tion 3621(9)(B), specified cancer, or chronic sili-
2 cosis, as the case may be.

3 (16) The term “radiation” means ionizing radi-
4 ation in the form of—

5 (A) alpha particles;

6 (B) beta particles;

7 (C) neutrons;

8 (D) gamma rays; or

9 (E) accelerated ions or subatomic particles
10 from accelerator machines.

11 (17) The term “specified cancer” means any of
12 the following:

13 (A) A specified disease, as that term is de-
14 fined in section 4(b)(2) of the Radiation Expo-
15 sure Compensation Act (42 U.S.C. 2210 note).

16 (B) Bone cancer.

17 (18) The term “survivor” means any individual
18 or individuals eligible to receive compensation pursu-
19 ant to section 8133 of title 5, United States Code.

20 **SEC. 3622. EXPANSION OF LIST OF BERYLLIUM VENDORS.**

21 Not later than December 31, 2002, the President
22 may, in consultation with the Secretary of Energy, des-
23 ignate as a beryllium vendor for purposes of section
24 3621(6) any vendor, processor, or producer of beryllium
25 or related products not previously listed under or des-

1 ignated for purposes of such section 3621(6) if the Presi-
2 dent finds that such vendor, processor, or producer has
3 been engaged in activities related to the production or
4 processing of beryllium for sale to, or use by, the Depart-
5 ment of Energy in a manner similar to the entities listed
6 in such section 3621(6).

7 **SEC. 3623. EXPOSURE IN THE PERFORMANCE OF DUTY.**

8 (a) BERYLLIUM.—A covered beryllium employee
9 shall, in the absence of substantial evidence to the con-
10 trary, be determined to have been exposed to beryllium
11 in the performance of duty for the purposes of the com-
12 pensation program if, and only if, the covered beryllium
13 employee was—

14 (1) employed at a Department of Energy facil-
15 ity; or

16 (2) present at a Department of Energy facility,
17 or a facility owned and operated by a beryllium ven-
18 dor, because of employment by the United States, a
19 beryllium vendor, or a contractor or subcontractor of
20 the Department of Energy;

21 during a period when beryllium dust, particles, or vapor
22 may have been present at such facility.

23 (b) CANCER.—An individual with cancer specified in
24 subclause (I), (II), or (III) of section 3621(9)(B)(ii) shall
25 be determined to have sustained that cancer in the per-

1 formance of duty for purposes of the compensation pro-
2 gram if, and only if, the cancer specified in that subclause
3 was at least as likely as not related to employment at the
4 facility specified in that subclause, as determined in ac-
5 cordance with the guidelines established under subsection
6 (c).

7 (c) GUIDELINES.—(1) For purposes of the compensa-
8 tion program, the President shall by regulation establish
9 guidelines for making the determinations required by sub-
10 section (b).

11 (2) The President shall establish such guidelines after
12 technical review by the Advisory Board on Radiation and
13 Worker Health under section 3624.

14 (3) Such guidelines shall—

15 (A) be based on the radiation dose received by
16 the employee (or a group of employees performing
17 similar work) at such facility and the upper 99 per-
18 cent confidence interval of the probability of causa-
19 tion in the radioepidemiological tables published
20 under section 7(b) of the Orphan Drug Act (42
21 U.S.C. 241 note), as such tables may be updated
22 under section 7(b)(3) of such Act from time to time;

23 (B) incorporate the methods established under
24 subsection (d); and

1 (C) take into consideration the type of cancer,
2 past health-related activities (such as smoking), in-
3 formation on the risk of developing a radiation-re-
4 lated cancer from workplace exposure, and other rel-
5 evant factors.

6 (d) METHODS FOR RADIATION DOSE RECONSTRUC-
7 TIONS.—(1) The President shall, through any Federal
8 agency (other than the Department of Energy) or official
9 (other than the Secretary of Energy or any other official
10 within the Department of Energy) that the President may
11 designate, establish by regulation methods for arriving at
12 reasonable estimates of the radiation doses received by an
13 individual specified in subparagraph (B) of section
14 3621(9) at a facility specified in that subparagraph by
15 each of the following employees:

16 (A) An employee who was not monitored for ex-
17 posure to radiation at such facility.

18 (B) An employee who was monitored inad-
19 equately for exposure to radiation at such facility.

20 (C) An employee whose records of exposure to
21 radiation at such facility are missing or incomplete.

22 (2) The President shall establish an independent re-
23 view process using the Advisory Board on Radiation and
24 Worker Health to—

1 (A) assess the methods established under para-
2 graph (1); and

3 (B) verify a reasonable sample of the doses es-
4 tablished under paragraph (1).

5 (e) INFORMATION ON RADIATION DOSES.—(1) The
6 Secretary of Energy shall provide, to each covered em-
7 ployee with cancer specified in section 3621(9)(B), infor-
8 mation specifying the estimated radiation dose of that em-
9 ployee during each employment specified in section
10 3621(9)(B), whether established by a dosimetry reading,
11 by a method established under subsection (d), or by both
12 a dosimetry reading and such method.

13 (2) The Secretary of Health and Human Services and
14 the Secretary of Energy shall each make available to re-
15 searchers and the general public information on the as-
16 sumptions, methodology, and data used in establishing ra-
17 diation doses under subsection (d). The actions taken
18 under this paragraph shall be consistent with the protec-
19 tion of private medical records.

20 **SEC. 3624. ADVISORY BOARD ON RADIATION AND WORKER**
21 **HEALTH.**

22 (a) ESTABLISHMENT.—(1) Not later than 120 days
23 after the date of the enactment of this Act, the President
24 shall establish and appoint an Advisory Board on Radi-

1 ation and Worker Health (in this section referred to as
2 the “Board”).

3 (2) The President shall make appointments to the
4 Board in consultation with organizations with expertise on
5 worker health issues in order to ensure that the member-
6 ship of the Board reflects a balance of scientific, medical,
7 and worker perspectives.

8 (3) The President shall designate a Chair for the
9 Board from among its members.

10 (b) DUTIES.—The Board shall advise the President
11 on—

12 (1) the development of guidelines under section
13 3623(c);

14 (2) the scientific validity and quality of dose es-
15 timation and reconstruction efforts being performed
16 for purposes of the compensation program; and

17 (3) such other matters related to radiation and
18 worker health in Department of Energy facilities as
19 the President considers appropriate.

20 (c) STAFF.—(1) The President shall appoint a staff
21 to facilitate the work of the Board. The staff shall be
22 headed by a Director who shall be appointed under sub-
23 chapter VIII of chapter 33 of title 5, United States Code.

24 (2) The President may accept as staff of the Board
25 personnel on detail from other Federal agencies. The de-

1 tail of personnel under this paragraph may be on a non-
2 reimbursable basis.

3 (d) EXPENSES.—Members of the Board, other than
4 full-time employees of the United States, while attending
5 meetings of the Board or while otherwise serving at the
6 request of the President, while serving away from their
7 homes or regular places of business, shall be allowed travel
8 and meal expenses, including per diem in lieu of subsist-
9 ence, as authorized by section 5703 of title 5, United
10 States Code, for individuals in the Government serving
11 without pay.

12 **SEC. 3625. RESPONSIBILITIES OF SECRETARY OF HEALTH**
13 **AND HUMAN SERVICES.**

14 The Secretary of Health and Human Services shall
15 carry out that Secretary's responsibilities with respect to
16 the compensation program with the assistance of the Di-
17 rector of the National Institute for Occupational Safety
18 and Health.

19 **SEC. 3626. DESIGNATION OF ADDITIONAL MEMBERS OF**
20 **SPECIAL EXPOSURE COHORT.**

21 (a) ADVICE ON ADDITIONAL MEMBERS.—(1) The
22 Advisory Board on Radiation and Worker Health under
23 section 3624 shall advise the President whether there is
24 a class of employees at any Department of Energy facility
25 who likely were exposed to radiation at that facility but

1 for whom it is not feasible to estimate with sufficient accu-
2 racy the radiation dose they received.

3 (2) The advice of the Advisory Board on Radiation
4 and Worker Health under paragraph (1) shall be based
5 on exposure assessments by radiation health professionals,
6 information provided by the Department of Energy, and
7 such other information as the Advisory Board considers
8 appropriate.

9 (3) The President shall request advice under para-
10 graph (1) after consideration of petitions by classes of em-
11 ployees described in that paragraph for such advice. The
12 President shall consider such petitions pursuant to proce-
13 dures established by the President.

14 (b) DESIGNATION OF ADDITIONAL MEMBERS.—Sub-
15 ject to the provisions of section 3621(14)(C), the members
16 of a class of employees at a Department of Energy facility
17 may be treated as members of the Special Exposure Co-
18 hort for purposes of the compensation program if the
19 President, upon recommendation of the Advisory Board
20 on Radiation and Worker Health, determines that—

21 (1) it is not feasible to estimate with sufficient
22 accuracy the radiation dose that the class received;
23 and

1 (2) there is a reasonable likelihood that such
2 radiation dose may have endangered the health of
3 members of the class.

4 (c) ACCESS TO INFORMATION.—The Secretary of En-
5 ergy shall provide, in accordance with law, the Secretary
6 of Health and Human Services and the members and staff
7 of the Advisory Board on Radiation and Worker Health
8 access to relevant information on worker exposures, in-
9 cluding access to Restricted Data (as defined in section
10 11 y. of the Atomic Energy Act of 1954 (42 U.S.C.
11 2014(y)).

12 **SEC. 3627. SEPARATE TREATMENT OF CHRONIC SILICOSIS.**

13 (a) SENSE OF CONGRESS.—The Congress finds that
14 employees who worked in Department of Energy test sites
15 and later contracted chronic silicosis should also be consid-
16 ered for inclusion in the compensation program. Recogn-
17 izing that chronic silicosis resulting from exposure to sili-
18 ca is not a condition unique to the nuclear weapons indus-
19 try, it is not the intent of Congress with this title to estab-
20 lish a precedent on the question of chronic silicosis as a
21 compensable occupational disease. Consequently, it is the
22 sense of Congress that a further determination by the
23 President is appropriate before these workers are included
24 in the compensation program.

1 (b) CERTIFICATION BY PRESIDENT.—A covered em-
2 ployee with chronic silicosis shall be treated as a covered
3 employee (as defined in section 3621(1)) for the purposes
4 of the compensation program required by section 3611 un-
5 less the President submits to Congress not later than 180
6 days after the date of the enactment of this Act the certifi-
7 cation of the President that there is insufficient basis to
8 include such employees. The President shall submit with
9 the certification any recommendations about the com-
10 pensation program with respect to covered employees with
11 chronic silicosis as the President considers appropriate.

12 (c) EXPOSURE TO SILICA IN THE PERFORMANCE OF
13 DUTY.—A covered employee shall, in the absence of sub-
14 stantial evidence to the contrary, be determined to have
15 been exposed to silica in the performance of duty for the
16 purposes of the compensation program if, and only if, the
17 employee was present for a number of work days aggre-
18 gating at least 250 work days during the mining of tun-
19 nels at a Department of Energy facility located in Nevada
20 or Alaska for tests or experiments related to an atomic
21 weapon.

22 (d) COVERED EMPLOYEE WITH CHRONIC SILI-
23 COSIS.—For purposes of this title, the term “covered em-
24 ployee with chronic silicosis” means a Department of En-
25 ergy employee, or a Department of Energy contractor em-

1 ployee, with chronic silicosis who was exposed to silica in
2 the performance of duty as determined under subsection
3 (c).

4 (e) CHRONIC SILICOSIS.—For purposes of this title,
5 the term “chronic silicosis” means a non-malignant lung
6 disease if—

7 (1) the initial occupational exposure to silica
8 dust preceded the onset of silicosis by at least 10
9 years; and

10 (2) a written diagnosis of silicosis is made by
11 a medical doctor and is accompanied by—

12 (A) a chest radiograph, interpreted by an
13 individual certified by the National Institute for
14 Occupational Safety and Health as a B reader,
15 classifying the existence of pneumoconioses of
16 category 1/1 or higher;

17 (B) results from a computer assisted
18 tomograph or other imaging technique that are
19 consistent with silicosis; or

20 (C) lung biopsy findings consistent with
21 silicosis.

22 **SEC. 3628. COMPENSATION AND BENEFITS TO BE PRO-**
23 **VIDED.**

24 (a) COMPENSATION PROVIDED.—(1) Except as pro-
25 vided in paragraph (2), a covered employee, or the sur-

1 vivor of that covered employee if the employee is deceased,
2 shall receive compensation for the disability or death of
3 that employee from that employee's occupational illness in
4 the amount of \$150,000.

5 (2) A covered employee shall, to the extent that em-
6 ployee's occupational illness is established beryllium sensi-
7 tivity, receive beryllium sensitivity monitoring under sub-
8 section (c) in lieu of compensation under paragraph (1).

9 (b) MEDICAL BENEFITS.—A covered employee shall
10 receive medical benefits under section 3629 for that em-
11 ployee's occupational illness.

12 (c) BERYLLIUM SENSITIVITY MONITORING.—An in-
13 dividual receiving beryllium sensitivity monitoring under
14 this subsection shall receive the following:

15 (1) A thorough medical examination to confirm
16 the nature and extent of the individual's established
17 beryllium sensitivity.

18 (2) Regular medical examinations thereafter to
19 determine whether that individual has developed es-
20 tablished chronic beryllium disease.

21 (d) PAYMENT FROM COMPENSATION FUND.—The
22 compensation provided under this section, when author-
23 ized or approved by the President, shall be paid from the
24 compensation fund established under section 3612.

1 (e) SURVIVORS.—(1) Subject to the provisions of this
2 section, if a covered employee dies before the effective date
3 specified in subsection (f), whether or not the death is a
4 result of that employee's occupational illness, a survivor
5 of that employee may, on behalf of that survivor and any
6 other survivors of that employee, receive the compensation
7 provided for under this section.

8 (2) The right to receive compensation under this sec-
9 tion shall be afforded to survivors in the same order of
10 precedence as that set forth in section 8109 of title 5,
11 United States Code.

12 (f) EFFECTIVE DATE.—This section shall take effect
13 on July 31, 2001, unless Congress otherwise provides in
14 an Act enacted before that date.

15 **SEC. 3629. MEDICAL BENEFITS.**

16 (a) MEDICAL BENEFITS PROVIDED.—The United
17 States shall furnish, to an individual receiving medical
18 benefits under this section for an illness, the services, ap-
19 pliances, and supplies prescribed or recommended by a
20 qualified physician for that illness, which the President
21 considers likely to cure, give relief, or reduce the degree
22 or the period of that illness.

23 (b) PERSONS FURNISHING BENEFITS.—(1) These
24 services, appliances, and supplies shall be furnished by or
25 on the order of United States medical officers and hos-

1 pitals, or, at the individual's option, by or on the order
2 of physicians and hospitals designated or approved by the
3 President.

4 (2) The individual may initially select a physician to
5 provide medical services, appliances, and supplies under
6 this section in accordance with such regulations and in-
7 structions as the President considers necessary.

8 (c) TRANSPORTATION AND EXPENSES.—The indi-
9 vidual may be furnished necessary and reasonable trans-
10 portation and expenses incident to the securing of such
11 services, appliances, and supplies.

12 (d) COMMENCEMENT OF BENEFITS.—An individual
13 receiving benefits under this section shall be furnished
14 those benefits as of the date on which that individual sub-
15 mitted the claim for those benefits in accordance with this
16 title.

17 (e) PAYMENT FROM COMPENSATION FUND.—The
18 benefits provided under this section, when authorized or
19 approved by the President, shall be paid from the com-
20 pensation fund established under section 3612.

21 (f) EFFECTIVE DATE.—This section shall take effect
22 on July 31, 2001, unless Congress otherwise provides in
23 an Act enacted before that date.

1 **SEC. 3630. SEPARATE TREATMENT OF CERTAIN URANIUM**
2 **EMPLOYEES.**

3 (a) **COMPENSATION PROVIDED.**—An individual who
4 receives, or has received, \$100,000 under section 5 of the
5 Radiation Exposure Compensation Act (42 U.S.C. 2210
6 note) for a claim made under that Act (hereinafter in this
7 section referred to as a “covered uranium employee”), or
8 the survivor of that covered uranium employee if the em-
9 ployee is deceased, shall receive compensation under this
10 section in the amount of \$50,000.

11 (b) **MEDICAL BENEFITS.**—A covered uranium em-
12 ployee shall receive medical benefits under section 3629
13 for the illness for which that employee received \$100,000
14 under section 5 of that Act.

15 (c) **COORDINATION WITH RECA.**—The compensation
16 and benefits provided in subsections (a) and (b) are sepa-
17 rate from any compensation or benefits provided under
18 that Act.

19 (d) **PAYMENT FROM COMPENSATION FUND.**—The
20 compensation provided under this section, when author-
21 ized or approved by the President, shall be paid from the
22 compensation fund established under section 3612.

23 (e) **SURVIVORS.**—(1) Subject to the provisions of this
24 section, if a covered uranium employee dies before the ef-
25 fective date specified in subsection (g), whether or not the
26 death is a result of the illness specified in subsection (b),

1 a survivor of that employee may, on behalf of that survivor
2 and any other survivors of that employee, receive the com-
3 pensation provided for under this section.

4 (2) The right to receive compensation under this sec-
5 tion shall be afforded to survivors in the same order of
6 precedence as that set forth in section 8109 of title 5,
7 United States Code.

8 (f) PROCEDURES REQUIRED.—The President shall
9 establish procedures to identify and notify each covered
10 uranium employee, or the survivor of that covered ura-
11 nium employee if that employee is deceased, of the avail-
12 ability of compensation and benefits under this section.

13 (g) EFFECTIVE DATE.—This section shall take effect
14 on July 31, 2001, unless Congress otherwise provides in
15 an Act enacted before that date.

16 **SEC. 3631. ASSISTANCE FOR CLAIMANTS AND POTENTIAL**
17 **CLAIMANTS.**

18 (a) ASSISTANCE FOR CLAIMANTS.—The President
19 shall, upon the receipt of a request for assistance from
20 a claimant under the compensation program, provide as-
21 sistance to the claimant in connection with the claim,
22 including—

23 (1) assistance in securing medical testing and
24 diagnostic services necessary to establish the exist-

1 ence of a covered beryllium illness, chronic silicosis,
2 or cancer; and

3 (2) such other assistance as may be required to
4 develop facts pertinent to the claim.

5 (b) ASSISTANCE FOR POTENTIAL CLAIMANTS.—The
6 President shall take appropriate actions to inform and as-
7 sist covered employees who are potential claimants under
8 the compensation program, and other potential claimants
9 under the compensation program, of the availability of
10 compensation under the compensation program, including
11 actions to—

12 (1) ensure the ready availability, in paper and
13 electronic format, of forms necessary for making
14 claims;

15 (2) provide such covered employees and other
16 potential claimants with information and other sup-
17 port necessary for making claims, including—

18 (A) medical protocols for medical testing
19 and diagnosis to establish the existence of a
20 covered beryllium illness, chronic silicosis, or
21 cancer; and

22 (B) lists of vendors approved for providing
23 laboratory services related to such medical test-
24 ing and diagnosis; and

1 (3) provide such additional assistance to such
2 covered employees and other potential claimants as
3 may be required for the development of facts perti-
4 nent to a claim.

5 (c) INFORMATION FROM BERYLLIUM VENDORS AND
6 OTHER CONTRACTORS.—As part of the assistance pro-
7 gram provided under subsections (a) and (b), and as per-
8 mitted by law, the Secretary of Energy shall, upon the
9 request of the President, require a beryllium vendor or
10 other Department of Energy contractor or subcontractor
11 to provide information relevant to a claim or potential
12 claim under the compensation program to the President.

13 **Subtitle C—Treatment, Coordina-**
14 **tion, and Forfeiture of Com-**
15 **ensation and Benefits**

16 **SEC. 3641. OFFSET FOR CERTAIN PAYMENTS.**

17 A payment of compensation to an individual, or to
18 a survivor of that individual, under subtitle B shall be off-
19 set by the amount of any payment made pursuant to a
20 final award or settlement on a claim (other than a claim
21 for worker's compensation), against any person, that is
22 based on injuries incurred by that individual on account
23 of the exposure of a covered beryllium employee, covered
24 employee with cancer, covered employee with chronic sili-
25 cosis (as defined in section 3627), or covered uranium em-

1 ployee (as defined in section 3630), while so employed, to
2 beryllium, radiation, silica, or radiation, respectively.

3 **SEC. 3642. SUBROGATION OF THE UNITED STATES.**

4 Upon payment of compensation under subtitle B, the
5 United States is subrogated for the amount of the pay-
6 ment to a right or claim that the individual to whom the
7 payment was made may have against any person on ac-
8 count of injuries referred to in section 3641.

9 **SEC. 3643. PAYMENT IN FULL SETTLEMENT OF CLAIMS.**

10 The acceptance by an individual of payment of com-
11 pensation under subtitle B with respect to a covered em-
12 ployee shall be in full satisfaction of all claims of or on
13 behalf of that individual against the United States,
14 against a Department of Energy contractor or subcon-
15 tractor, beryllium vendor, or atomic weapons employer, or
16 against any person with respect to that person's perform-
17 ance of a contract with the United States, that arise out
18 of an exposure referred to in section 3641.

19 **SEC. 3644. EXCLUSIVITY OF REMEDY AGAINST THE UNITED**
20 **STATES AND AGAINST CONTRACTORS AND**
21 **SUBCONTRACTORS.**

22 (a) IN GENERAL.—The liability of the United States
23 or an instrumentality of the United States under this title
24 with respect to a cancer (including a specified cancer),
25 chronic silicosis, covered beryllium illness, or death related

1 thereto of a covered employee is exclusive and instead of
2 all other liability—

3 (1) of—

4 (A) the United States;

5 (B) any instrumentality of the United
6 States;

7 (C) a contractor that contracted with the
8 Department of Energy to provide management
9 and operation, management and integration, or
10 environmental remediation of a Department of
11 Energy facility (in its capacity as a contractor);

12 (D) a subcontractor that provided services,
13 including construction, at a Department of En-
14 ergy facility (in its capacity as a subcontractor);
15 and

16 (E) an employee, agent, or assign of an en-
17 tity specified in subparagraphs (A) through
18 (D);

19 (2) to—

20 (A) the covered employee;

21 (B) the covered employee's legal represent-
22 ative, spouse, dependents, survivors and next of
23 kin; and

24 (C) any other person, including any third
25 party as to whom the covered employee, or the

1 covered employee's legal representative, spouse,
2 dependents, survivors, or next of kin, has a
3 cause of action relating to the cancer (including
4 a specified cancer), chronic silicosis, covered be-
5 ryllium illness, or death, otherwise entitled to
6 recover damages from the United States, the
7 instrumentality, the contractor, the subcon-
8 tractor, or the employee, agent, or assign of one
9 of them;

10 because of the cancer (including a specified cancer), chron-
11 ic silicosis, covered beryllium illness, or death in any pro-
12 ceeding or action including a direct judicial proceeding,
13 a civil action, a proceeding in admiralty, or a proceeding
14 under a tort liability statute or the common law.

15 (b) APPLICABILITY.—This section applies to all cases
16 filed on or after the date of the enactment of this Act.

17 (c) WORKERS' COMPENSATION.—This section does
18 not apply to an administrative or judicial proceeding under
19 a State or Federal workers' compensation law.

20 **SEC. 3645. ELECTION OF REMEDY FOR BERYLLIUM EM-**
21 **PLOYEES AND ATOMIC WEAPONS EMPLOY-**
22 **EES.**

23 (a) ELECTION TO FILE SUIT.—If a tort case is filed
24 after the date of the enactment of this Act, alleging a
25 claim referred to in section 3643 against a beryllium ven-

1 dor or atomic weapons employer, the plaintiff shall not
2 be eligible for compensation or benefits under subtitle B
3 unless the plaintiff files such case within the applicable
4 time limits in subsection (b).

5 (b) APPLICABLE TIME LIMITS.—A case described in
6 subsection (a) shall be filed not later than the later of—

7 (1) the date that is 30 months after the date
8 of the enactment of this Act; or

9 (2) the date that is 30 months after the date
10 the plaintiff first becomes aware that an illness cov-
11 ered by subtitle B of a covered employee may be
12 connected to the exposure of the covered employee in
13 the performance of duty.

14 (c) DISMISSAL OF CLAIMS.—Unless a case filed
15 under subsection (a) is dismissed prior to the time limits
16 in subsection (b), the plaintiff shall not be eligible for com-
17 pensation under subtitle B.

18 (d) DISMISSAL OF PENDING SUIT.—If a tort case
19 was filed on or before the date of the enactment of this
20 Act, alleging a claim referred to in section 3643 against
21 a beryllium vendor or atomic weapons employer, the plain-
22 tiff shall not be eligible for compensation or benefits under
23 subtitle B unless the plaintiff dismisses such case not later
24 than December 31, 2003.

1 (e) WORKERS' COMPENSATION.—This section does
2 not apply to an administrative or judicial proceeding under
3 a State or Federal workers' compensation law.

4 **SEC. 3646. CERTIFICATION OF TREATMENT OF PAYMENTS**
5 **UNDER OTHER LAWS.**

6 Compensation or benefits provided to an individual
7 under subtitle B—

8 (1) shall be treated for purposes of the internal
9 revenue laws of the United States as damages for
10 human suffering; and

11 (2) shall not be included as income or resources
12 for purposes of determining eligibility to receive ben-
13 efits described in section 3803(c)(2)(C) of title 31,
14 United States Code, or the amount of such benefits.

15 **SEC. 3647. CLAIMS NOT ASSIGNABLE OR TRANSFERABLE;**
16 **CHOICE OF REMEDIES.**

17 (a) CLAIMS NOT ASSIGNABLE OR TRANSFERABLE.—
18 No claim cognizable under subtitle B shall be assignable
19 or transferable.

20 (b) CHOICE OF REMEDIES.—No individual may re-
21 ceive more than one payment of compensation under sub-
22 title B.

23 **SEC. 3648. ATTORNEY FEES.**

24 (a) GENERAL RULE.—Notwithstanding any contract,
25 the representative of an individual may not receive, for

1 services rendered in connection with the claim of an indi-
2 vidual under subtitle B, more than that percentage speci-
3 fied in subsection (b) of a payment made under subtitle
4 B on such claim.

5 (b) APPLICABLE PERCENTAGE LIMITATIONS.—The
6 percentage referred to in subsection (a) is—

7 (1) 2 percent for the filing of an initial claim;
8 and

9 (2) 10 percent with respect to any claim with
10 respect to which a representative has made a con-
11 tract for services before the date of the enactment
12 of this Act.

13 (c) PENALTY.—Any such representative who violates
14 this section shall be fined not more than \$5,000.

15 **SEC. 3649. CERTAIN CLAIMS NOT AFFECTED BY AWARDS OF**
16 **DAMAGES.**

17 A payment under subtitle B shall not be considered
18 as any form of compensation or reimbursement for a loss
19 for purposes of imposing liability on any individual receiv-
20 ing such payment, on the basis of such receipt, to repay
21 any insurance carrier for insurance payments, or to repay
22 any person on account of worker's compensation pay-
23 ments; and a payment under subtitle B shall not affect
24 any claim against an insurance carrier with respect to in-

1 surance or against any person with respect to worker's
2 compensation.

3 **SEC. 3650. FORFEITURE OF BENEFITS BY CONVICTED FEL-**
4 **ONS.**

5 (a) FORFEITURE OF COMPENSATION.—Any indi-
6 vidual convicted of a violation of section 1920 of title 18,
7 United States Code, or any other Federal or State crimi-
8 nal statute relating to fraud in the application for or re-
9 ceipt of any benefit under subtitle B or under any other
10 Federal or State workers' compensation law, shall forfeit
11 (as of the date of such conviction) any entitlement to any
12 compensation or benefit under subtitle B such individual
13 would otherwise be awarded for any injury, illness or death
14 covered by subtitle B for which the time of injury was
15 on or before the date of the conviction.

16 (b) INFORMATION.—Notwithstanding section 552a of
17 title 5, United States Code, or any other Federal or State
18 law, an agency of the United States, a State, or a political
19 subdivision of a State shall make available to the Presi-
20 dent, upon written request from the President and if the
21 President requires the information to carry out this sec-
22 tion, the names and Social Security account numbers of
23 individuals confined, for conviction of a felony, in a jail,
24 prison, or other penal institution or correctional facility
25 under the jurisdiction of that agency.

1 **SEC. 3651. COORDINATION WITH OTHER FEDERAL RADI-**
2 **ATION COMPENSATION LAWS.**

3 Except in accordance with section 3630, an individual
4 may not receive compensation or benefits under the com-
5 pensation program for cancer and also receive compensa-
6 tion under the Radiation Exposure Compensation Act (42
7 U.S.C. 2210 note) or section 1112(c) of title 38, United
8 States Code.

9 **Subtitle D—Assistance in State**
10 **Workers’ Compensation Pro-**
11 **ceedings**

12 **SEC. 3661. AGREEMENTS WITH STATES.**

13 (a) AGREEMENTS AUTHORIZED.—The Secretary of
14 Energy (hereinafter in this section referred to as the “Sec-
15 retary”) may enter into agreements with the chief execu-
16 tive officer of a State to provide assistance to a Depart-
17 ment of Energy contractor employee in filing a claim
18 under the appropriate State workers’ compensation sys-
19 tem.

20 (b) PROCEDURE.—Pursuant to agreements under
21 subsection (a), the Secretary may—

22 (1) establish procedures under which an indi-
23 vidual may submit an application for review and as-
24 sistance under this section; and

1 (2) review an application submitted under this
2 section and determine whether the applicant sub-
3 mitted reasonable evidence that—

4 (A) the application was filed by or on be-
5 half of a Department of Energy contractor em-
6 ployee or employee's estate; and

7 (B) the illness or death of the Department
8 of Energy contractor employee may have been
9 related to employment at a Department of En-
10 ergy facility.

11 (c) SUBMITTAL OF APPLICATIONS TO PANELS.—If
12 provided in an agreement under subsection (a), and if the
13 Secretary determines that the applicant submitted reason-
14 able evidence under subsection (b)(2), the Secretary shall
15 submit the application to a physicians panel established
16 under subsection (d). The Secretary shall assist the em-
17 ployee in obtaining additional evidence within the control
18 of the Department of Energy and relevant to the panel's
19 deliberations.

20 (d) COMPOSITION AND OPERATION OF PANELS.—(1)
21 The Secretary shall inform the Secretary of Health and
22 Human Services of the number of physicians panels the
23 Secretary has determined to be appropriate to administer
24 this section, the number of physicians needed for each

1 panel, and the area of jurisdiction of each panel. The Sec-
2 retary may determine to have only one panel.

3 (2)(A) The Secretary of Health and Human Services
4 shall appoint panel members with experience and com-
5 petency in diagnosing occupational illnesses under section
6 3109 of title 5, United States Code.

7 (B) Each member of a panel shall be paid at the rate
8 of pay payable for level III of the Executive Schedule for
9 each day (including travel time) the member is engaged
10 in the work of a panel.

11 (3) A panel shall review an application submitted to
12 it by the Secretary and determine, under guidelines estab-
13 lished by the Secretary, by regulation, whether the illness
14 or death that is the subject of the application arose out
15 of and in the course of employment by the Department
16 of Energy and exposure to a toxic substance at a Depart-
17 ment of Energy facility.

18 (4) At the request of a panel, the Secretary and a
19 contractor who employed a Department of Energy con-
20 tractor employee shall provide additional information rel-
21 evant to the panel's deliberations. A panel may consult
22 specialists in relevant fields as it determines necessary.

23 (5) Once a panel has made a determination under
24 paragraph (3), it shall report to the Secretary its deter-
25 mination and the basis for the determination.

1 (6) A panel established under this subsection shall
2 not be subject to the Federal Advisory Committee Act (5
3 U.S.C. App.).

4 (e) ASSISTANCE.—If provided in an agreement under
5 subsection (a)—

6 (1) the Secretary shall review a panel's deter-
7 mination made under subsection (d), information the
8 panel considered in reaching its determination, any
9 relevant new information not reasonably available at
10 the time of the panel's deliberations, and the basis
11 for the panel's determination;

12 (2) as a result of the review under paragraph
13 (1), the Secretary shall accept the panel's deter-
14 mination in the absence of significant evidence to
15 the contrary; and

16 (3) if the panel has made a positive determina-
17 tion under subsection (d) and the Secretary accepts
18 the determination under paragraph (2), or the panel
19 has made a negative determination under subsection
20 (d) and the Secretary finds significant evidence to
21 the contrary—

22 (A) the Secretary shall assist the applicant
23 to file a claim under the appropriate State
24 workers' compensation system based on the

1 health condition that was the subject of the de-
2 termination;

3 (B) the Secretary thereafter—

4 (i) may not contest such claim;

5 (ii) may not contest an award made
6 regarding such claim; and

7 (iii) may, to the extent permitted by
8 law, direct the Department of Energy con-
9 tractor who employed the applicant not to
10 contest such claim or such award,

11 unless the Secretary finds significant new evi-
12 dence to justify such contest; and

13 (C) any costs of contesting a claim or an
14 award regarding the claim incurred by the con-
15 tractor who employed the Department of En-
16 ergy contractor employee who is the subject of
17 the claim shall not be an allowable cost under
18 a Department of Energy contract.

19 (f) INFORMATION.—At the request of the Secretary,
20 a contractor who employed a Department of Energy con-
21 tractor employee shall make available to the Secretary and
22 the employee information relevant to deliberations under
23 this section.

24 (g) GAO REPORT.—Not later than February 1,
25 2002, the Comptroller General shall submit to Congress

1 a report on the implementation by the Department of En-
2 ergy of the provisions of this section and of the effective-
3 ness of the program under this section in assisting Depart-
4 ment of Energy contractor employees in obtaining com-
5 pensation for occupational illness.

